

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF ALABAMA**  
**REGULAR SESSION**  
**OF 1991**

**HELD IN THE CITY OF MONTGOMERY**  
**COMMENCING TUESDAY, APRIL 16, 1991**



**Vol. 2**

**WITH AN INDEX PREPARED BY THE**  
**SECRETARY OF THE SENATE**

# CONTENT

To facilitate research in the Senate Journal, the following information is included at the end for your convenience:

1. Legislative roster, listing names and addresses of all members of the current Legislature by district;
2. A listing of legislative days, with calendar dates and pages on which each day begins;
3. A topic index of general bills listed alphabetically by subject matter;
4. A topic index of local bills listed alphabetically by counties;
5. A topic index of resolutions;
6. A miscellaneous index, including all items not categorized as bills or resolutions;
7. A Senate resolution index listed alphabetically by sponsor;
8. A sponsor index, listing all Senate bills and resolutions alphabetically by author;
9. A Senate bill numerical index, with short titles;
10. A House bill numerical index, with short titles;
11. A Senate joint resolution, Senate resolution numerical index, with short titles;
12. House joint resolution numerical index, with short titles;
13. Act Index.



## **NINETEENTH LEGISLATIVE DAY**

**THURSDAY, JUNE 13, 1991**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Mark Tusken, Rector, Christ the Redeemer Episcopal Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Roger Lewis, St. Jude Catholic High School, Montgomery, Alabama.

### **ROLL CALL**

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**JIM PREUITT,**  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Preuitt, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator Denton, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Denton, leave of absence was granted Senators Floyd and Mitchell for today.

**BUDGET ISOLATION RESOLUTION**

Senator Corbett, B.I.R., HB 160, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dixon, Figures, Foshee, Hale, Horn, Langford, Lipscomb, Little, Owens, Preuitt, Sanders, Waggoner, and Windom -19

Nays:

- 0

**BILLS ON THIRD READING****THE BILL:**

**H. 160.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the board for registration of architects with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: section 34-2-33 to provide a grace period for renewal of licenses in order to avoid a penalty payment; section 34-2-34 to authorize the board to issue reprimands and levy administrative fines for violation of chapter 2, Title 34 or the rules and regulations of the board and to provide an appeal procedure for such disciplinary actions; section 34-2-39 to require a program of continuing education; and section 34-2-40 to provide that the secretary of the board may be a licensee of the board.

was read a third time at length and passed.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Foshee, Ghee, Hale,

Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons,  
Preuitt, Sanders, Smith (B), Waggoner, Wilson, and Windom -28

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Corbett, B.I.R., HB 161, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett,  
deGraffenried, Denton, Dixon, Ellis, Figures, Ghee, Hale, Horn,  
Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Preuitt, Sanders,  
Smith (B), Smith (J), Waggoner, and Windom -27

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 161.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the state licensing board for general contractors with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: section 34-8-2 to provide further for license and renewal fees and a late renewal penalty; section 34-8-4 to authorize administrative fines by the board for violations of chapter 8, Title 34 and for violations of the board's rules and regulations; and Section 34-8-25 to authorize the secretary-treasurer to certify vouchers of the board without the Governor's approval.

was taken up.

The Standing Committee on Economic Affairs reported the following amendment to the Bill, HB 161, to-wit:

**AMENDMENT TO HB 161**

Amend House Bill 161, on Page 2, Line 16, as follows:

By striking "\$200.00" and adding in lieu thereof "\$100.00"

Further amend on Page 4, Lines 6, 7, and 13 by striking "\$200.00" and adding in lieu thereof "\$100.00"

Which was adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

And said Bill, HB 161, as thus amended, was read a third time at length and passed.

Yeas 25 Nays 1

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Ghee, Hale, Horn, Langford, Lipscomb, Little, Owens, Parsons, Preuitt, Smith (B), Smith (J), Waggoner, and Windom -25

Nay: Senator Sanders

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### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 160.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the board for registration of architects with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: section 34-2-33 to provide a grace period for renewal of licenses in order to avoid a penalty payment; section 34-2-34 to authorize the board to issue reprimands and levy administrative fines for violation of chapter 2, Title 34 or the rules and regulations of the board and to provide an appeal procedure for such disciplinary actions; section 34-2-39 to require a program of continuing education; and section 34-2-40 to provide that the secretary of the board may be a licensee of the board.

GREG PAPPAS,  
Clerk.

**SIGNING OF BILLS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**MOTION TO ADJOURN LOST**

At 12:57 P.M., Senator Figures moved that the Senate adjourn until Tuesday, June 18, 1991, at 10 o'clock A.M., which motion was lost.

Yeas 11 Nays 17

Yeas:

Senators:

Amari, Campbell, Corbett, Figures, Langford, Lindsey, Parsons, Sanders, Smith (B), Wilson, and Windom -11

Nays:

Senators:

Bailey, Bedsole, Bennett, deGraffenried, Denton, Dixon, Ellis, Foshee, Ghee, Hale, Horn, Lipscomb, Little, Owens, Preuit, Smith (J), and Waggoner -17

**STATEMENT BY THE PRESIDENT AND PRESIDING OFFICER**

Pursuant to Senate Rule 50 (a) the President and Presiding Officer of the Senate stated that the Standing Committee on Rules would meet immediately in the Senate Chamber.

**RESOLUTION**

The Standing Committee on Rules offered the following Resolution, to-wit:

**SR 91. SPECIAL ORDER.**

Under the provisions of Chapter 41-20-10, Code of Alabama 1975, which states, in Part: 'Provided, however, that either House may, by a three-fifth's vote of those members present and voting, consider other business before the house.' Be it resolved by the Senate that under the provisions of Chapter 41-20-10, Code of Alabama, that the following be

considered immediately upon adoption of this resolution by a 3/5 majority of those voting thereon and shall continue until disposed of:

1. House Messages
2. Committee Reports
3. Uncontested Local Bills
4. Introduction of Bills

Senator Corbett offered the following substitute for the Resolution, SR 91, to-wit:

### SUBSTITUTE FOR SR 91

#### SR 91. SPECIAL ORDER.

Under the provisions of Chapter 41-20-10, Code of Alabama 1975, which states, in Part: 'Provided, however, that either House may, by a three-fifth's vote of those members present and voting, consider other business before the house.' Be it resolved by the Senate that under the provisions of Chapter 41-20-10, Code of Alabama, that the following be considered immediately upon adoption of this resolution by a 3/5 majority of those voting thereon and shall continue until disposed of:

1. Uncontested Local Bills

On motion of Senator Preuitt said substitute was laid on the table.

Yeas 16 Nays 12

Yeas:

Senators:

Bailey, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Horn, Lipscomb, Owens, Preuitt, and Waggoner -16

Nays:

Senators:

Amari, Bedsole, Campbell, Corbett, Langford, Lindsey, Little, Parsons, Sanders, Smith (B), Wilson, and Windom -12

On motion of Senator Preuitt the Resolution, SR 91, was then adopted by the Senate.

Yeas 18 Nays 11

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial,

Dixon, Ellis, Foshee, Ghee, Hale, Horn, Lipscomb, Owens, Preuitt,  
and Waggoner -18

Nays:

Senators:

Amari, Campbell, Corbett, Langford, Lindsey, Little, Parsons, Sanders,  
Smith (B), Wilson, and Windom -11

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (J), Campbell, Harper, Carter, Harvey, Dolbare, Powell, Newman, Gullatt, Cagle, Knight, Richardson, Starkey, Beasley, Hooper, White, Higginbotham, Drake, Black (L), Turner, Cullins, Goodwin, Blakeney, Rogers (F), McClain, Hill, Clark (W), Hammett, Black (M), Turnham, Bowling, Bugg, Burke, Ford, Smith (R), Spratt, and Carothers:

**H. 550.** Relating to Alabama Economic and Developmental Highways and the financing of an Alabama Economic and Developmental Highway System; to name this Act; to provide definition of certain words and terms contained in this bill; to create a fund in the State Treasury which shall be called the Alabama Economic and Developmental Highway Trust Fund; to describe the Alabama Economic and Developmental Highway System and its purpose; to describe the sources of revenue for this fund; to provide the distribution and appropriation of revenues for the Alabama Economic and Developmental Highway System, County Roads, Urban Projects, and to pay Debt Service on outstanding Industrial Access Road and Bridge Corporation Bonds; to provide that if Alabama Economic and Developmental Highway System projects are constructed with Federal and/or Public Road and Bridge Funds, projects not on the Alabama Economic and Developmental Highway System may be constructed using Alabama Economic and Developmental Highway System Funds; to provide that Alabama Economic and Developmental Highway System funds may be used to supplement toll projects; to provide that Alabama Economic and Developmental Highway System Funds may be used to anticipate Federal Funds on Advance Construction Projects; to provide that appropriations for the Alabama Economic and Developmental Highway System Projects, County Roads, and Urban Projects are Capital Outlay appropriations; to provide a deficit elimination procedure; to describe the purpose for

which the funds can be used; to give county commissions in the state authority to pass resolutions to levy a gasoline tax with a three year authorization limit; to describe fund reversion procedures; to give the Highway Department authority to administer this fund; to give the Highway Director authority to promulgate rules and regulations concerning the operation of this fund; to provide for a quarterly report to the Joint Highway Committee; to give the Highway Department responsibility for developing schedules of improvements to be funded; to provide for allocation and appropriation of funds allocated for the Alabama Economic and Developmental Highway System when all Alabama Economic and Developmental Highway System Projects are 100% funded; to provide for fund matching requirements for county and urban projects; to provide for fund obligation limitations; to provide for review and approval procedures by the Highway Director for county and urban projects; to provide that MPO's will have authority to administer cities Transportation Improvement Plan to be approved by the Highway Director; to provide that the Highway Director will prescribe project design criteria for county and urban projects; to provide for contracting procedures; to provide for the effective date of this Act.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 550 - to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (J), Campbell, Harper, Carter, Harvey, Cagle, Dolbare, Powell, Newman, Gullatt, Knight, Richardson, Starkey, Beasley, Hooper, White, Higginbotham, Drake, Black (L), Turner, Cullins, Goodwin, Rogers (F), McClain, Hill, Black (M), Turnham, Bowling, Bugg, Burke, Ford, Smith (R), Spratt, and



Carothers:

**H. 552.** To levy a supplemental annual license tax or registration fee for each private passenger automobile, using the public highways of this state, in addition to the fees levied in Section 40-12-242 and 40-12-273(a), Code of Alabama, 1975; and to levy a supplemental annual license tax or registration fee on each truck or truck tractor, using the public highways of this state, in addition to the fees levied in Section 40-12-248 of the Code of Alabama, 1975, as amended, and Section 40-12-273(b), Code of Alabama, 1975; to provide that the proceeds from these supplemental fees be deposited in the State Treasury to the credit of the Alabama Economic and Developmental Highway Trust Fund of the State Highway Department.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 552 - to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (J), Campbell, Harper, Carter, Harvey, Cagle, Dolbare, Powell, Newman, Gullatt, Knight, Starkey, Richardson, Beasley, Hooper, White, Higginbotham, Drake, Black (L), Turner, Cullins, Goodwin, Blakeney, Rogers (F), McClain, Hill, Hammett, Black (M), Turnham, Bowling, Bugg, Burke, Ford, Smith (R), Spratt, and Carothers:

**H. 553.** To amend Section 32-8-6 of the Code of Alabama, 1975, as amended, by imposing an additional fee of \$17.00 for issuing and processing documents related to the Alabama Uniform Certificate of Title and Anti-Theft Act; by increasing the designated agent's fee from \$1.50 to \$2.50 and to provide that the additional fee of \$17.00 shall be deposited into the State Treasury to the credit of the Alabama Economic and Developmental Highway Trust Fund of the State Highway Department; and to amend Section 32-8-7 of the Code of Alabama,

1975, as amended, to increase the designated agent commission fee from \$1.50 to \$2.50.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 553 - to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (J), Campbell, Harper, Carter, Harvey, Cagle, Knight, Dolbare, Powell, Newman, Gullatt, Richardson, Starkey, Beasley, Hooper, White, Higginbotham, Drake, Black (L), Turner, Cullins, Goodwin, Blakeney, Rogers (F), McClain, Hill, Hammett, Black (M), Turnham, Bowling, Bugg, Burke, Ford, Smith (R), Spratt, and Carothers:

**H. 555.** To amend Section 23-6-8 of the Code of Alabama, 1975, as amended, by increasing from \$25,000,000 to \$50,000,000 the amount of bonds the Industrial Access Road and Bridge Corporation can have outstanding at any one time.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 555 - to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (J), Campbell, Harper, Carter, Harvey, Gullatt, Cagle, Hill, Dolbare, Powell, Newman, Knight, Richardson, Starkey, Beasley, Hooper, White, Higginbotham, Drake, Black (L), Turner, Cullins, Goodwin, Blakeney, Rogers (F), McClain, Hammett, Black (M), Turnham, Bowling, Bugg, Burke, Ford, Smith (R), Spratt, and Carothers:

**H. 556.** Relating to the purchase of equipment for traffic law enforcement and the appropriation of funds therefore; to appropriate annually out of the Public Road and Bridge Fund of the State Highway Department \$3,500,000 to the Department of Public Safety for the purchase of equipment for traffic law enforcement; to provide for the transfer of funds quarterly from the Public Road and Bridge Fund to the Department of Public Safety.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 556 - to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Morrow (With Notice and Proof):

**H. 620.** Relating to Franklin County; to amend section 1 of Act No. 85-685, H. 1062, Regular Session 1985 (Acts 1985, p. 1099) relating to the disposition of revenues from fees assessed on transactions

of the tax assessor; so as to provide that certain funds currently allocated for a county legislative office be deposited in the county general fund.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 620, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Smith (C) (With Notice and Proof):

**H. 670.** Relating to Bibb County; repealing Act No. 772, H. 1708, 1973 Regular Session, which provides for an assessment on forest lands for fire protection.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 670, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. Powell and Smith (C) (With Notice and Proof):

**H. 751.** Relating to Chilton County; authorizing the county commission to levy in such county of an additional privilege or license tax, paralleling the state sales tax provided for in Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975; providing for the collection of such tax by the state department of revenue, and for the distribution and use of the proceeds thereof; providing for the enforcement of the act; providing penalties for violations of the act and providing for an election with respect to such tax.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 751, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Dolbare (With Notice and Proof):

**H. 754.** Relating to Washington County; providing further for an expense allowance for members of the County Commission.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 754, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 620, 670, 751, and 754 - to the Committee on Local  
Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kennedy, Starkey, and Zoghby:

**H. 371.** To amend Section 40-23-68 of the Code of Alabama 1975, to require out-of-state businesses with Alabama nexus to collect and report Alabama Use Tax on their sales to Alabama customers, and to provide for an effective date.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 371 - to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Newman:

**H. 833.** To propose an amendment to the Constitution of Alabama of 1901 to authorize in Fayette County the incorporation of The Tom Bevill Reservoir Management Area Authority for the purposes of water conservation and supply, dam construction and reservoir development, for industrial development, flood control, navigation, irrigation, public recreation and related purposes.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 833 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (J), Campbell, Harper, Carter, Harvey, Cagle, Dolbare, Powell, Newman, Gullatt, Knight, Richardson, Starkey, Beasley, Hooper, White, Drake, Black (L), Turner, Cullins, Blakeney, Rogers (F), McClain, Hill, Clark (W), Hammett, Black (M), Turnham, Bowling, Bugg, Burke, Ford, Smith (R), Spratt, and Carothers:

**H. 551.** To amend Section 8-17-87 of the Code of Alabama, 1975, as amended, by increasing the inspection fee for gasoline by \$.075 per gallon and by increasing the inspection fee for diesel fuel, except diesel fuel used for certain special purposes by \$.075 per gallon and to amend Section 8-17-91 of the Code of Alabama, 1975, as amended, by providing that the proceeds from the increase in the gasoline and diesel fuel inspection fee shall be paid into the State Treasury and deposited into the Alabama Economic and Developmental Highway Trust Fund of the State Highway Department.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 551 - to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 280.** To require an additional fee for licensure and renewal of licenses as a general contractor and providing that the revenue derived from such additional fees shall be distributed to institutions of higher education offering certain courses of study.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

**HB 280 - to the Committee on Finance and Taxation**

**MESSAGE FROM THE HOUSE**

**Mr. President:**

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

**By Reps. Fuller and Laird (With Notice and Proof):**

**H. 717.** Relating to Chambers County; amending Act No. 81-466, H. 974 of the 1981 Regular Session (Acts 1981, p. 816), providing for the mileage allowance of the county coroner, so as to make a monthly payment in lieu of such mileage payable from the county general fund.

**I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 717, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.**

**GREG PAPPAS,**  
Clerk.

**Also:**

**By Rep. Newman (With Notice and Proof):**

**H. 834.** Relating to Fayette County; to designate and fix the boundaries of an area in Fayette County to be known as The Tom Bevill Reservoir Management Area; to provide for and authorize the incorporation of a public corporation as a political subdivision of the state to be named The Tom Bevill Reservoir Management Area Authority for the development of that portion of North River in Fayette County and within the boundaries of The Tom Bevill Reservoir Management Area as created and defined by this act, its tributaries and watershed area, for the purposes of water conservation and supply, dam construction and reservoir development, for industrial development, flood control, navigation, irrigation, public recreation and related purposes; to provide for the



composition of the board of directors of the authority; to specify the powers and duties of the authority and its board of directors; to authorize the authority to investigate the resources of The Tom Beville Reservoir Management Area, to determine and implement the requirements for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective; to authorize the authority to acquire land and interests in land by purchase, construction, lease, condemnation or otherwise, and to hold, manage and sell such land and interests therein; to make provisions respecting the establishment and revision of rates, fees and charges for services rendered by the authority; to provide for the issuance by the authority for any of its corporate purposes of interest-bearing revenue bonds and notes payable solely out of the revenues of the authority or out of the revenues of any particular facilities and other property of the authority, without regard to the specific facilities and other property with respect to which such bonds and notes may have been issued; to provide that such bonds and notes shall constitute negotiable instruments; to provide that such bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the authority for the proper application of its revenues and the proceeds of such bonds and notes and by a nonforeclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which such bonds and notes are payable, and to provide that bonds and notes of the authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by the authority of obligations respecting facilities and other property acquired by the authority; to provide for the use of the proceeds of bonds and notes issued by the authority; to provide for the refunding by the issuance of bonds and notes of the authority, of bonds and notes theretofore issued or obligations theretofore assumed by it; to provide that bonds and notes issued and contracts entered into by the authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or other political subdivision of the state; to authorize the Fayette County commission and the municipalities located therein to contribute money to the authority, without the necessity of an election and with or without consideration therefor; to exempt from all taxation in this state, the authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the authority is a party, and to exempt the authority from payment of certain charges to judges of probate; to grant to the authority the power to levy and collect within the boundaries of the management area certain excise taxes, sales taxes, and ad valorem taxes; to provide that the authority shall have zoning power within the

boundaries of the management area; to provide that the authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; to provide for the use of public roads in the state by the authority; and to provide for certain annual reports by the authority.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 834, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 717 and 834 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hamilton (With Notice and Proof):

**H. 732.** Relating to Limestone County; so as to further provide for an additional expense allowance and expiration date therefor and the chairman and members of the county commission compensation, in the next term of office, and to provide for retroactive effect.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 732, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

**HB 732 - to the Committee on Local Legislation No. 1**

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Turnham and Higginbotham (With Notice and Proof):

**H. 679.** Relating to Lee County, to impose a fee on the rental of video cassettes; to provide for the method of reporting and paying the fee; to provide for a fee for the county tax collecting official for the collection of same; and to provide for penalties for failure to pay.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 679, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

**HB 679 - to the Committee on Local Legislation No. 1**

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McDowell, Rogers (J), McClain, and Barnes (With Notice and Proof):

**H. 602.** Relating to Jefferson County; requiring the county commission to provide for the necessary accommodations in the county courthouse for centralizing the issuance of licenses so as to enable an individual to initially obtain or renew any type of state, county or municipal business, recreational or privilege license required by law without having to go to various political subdivision licensing offices throughout the county and authorizing the county to charge a certain processing fee for centralizing such issuance.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 602, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 602 - to the Committee on Local Legislation No. 2

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers, Beasley, and Mathis (With Notice and Proof):

**H. 622.** Relating to the City of Dothan in Houston County; to amend further Section 4 of Act No. 103, H. 363, Regular Session 1953 (Acts of Alabama 1953, p. 145), entitled "An Act to Establish a City of Dothan Pension and Retirement System," and as amended by Act No. 82-208, which act relates to the City of Dothan's Pension and Retirement System, so as to provide further for the authorized investments of the Pension Board.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 622, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. Fuller and Laird (With Notice and Proof):

**H. 716.** Relating to Chambers County; amending Act No. 475, H. 304, 1973 Regular Session, which established the county commission, so as to provide further for the meetings of the county commission.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 716, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 622 and 716 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hooper, Higginbotham, Gullatt, Bowling, Ford, Burke, Cosby, Rogers (J), Clay, and Perdue:

**H. 411.** To provide for a means to safeguard the public against injury and loss of life or the interruption of public services caused by

damage to various underground facilities by communicating and coordinating adequate prior notification of excavation or demolition activities that might damage or interrupt services provided by certain underground facilities; to prohibit certain activities without first having ascertained the location of any potentially affected underground facilities; to prescribe procedures for notification of an intent to undertake certain activities; to prescribe certain activities to be included in an underground damage prevention program; to authorize formation of a public corporation for a statewide "One-Call Notification System" and to provide for its directors, powers and general administrative procedures; to prescribe procedures for response to both emergency and routine notification and for reporting damage resulting from certain activities; to prescribe civil penalties for violations and exceptions to such penalties; to provide for the liberal construction and severability of any part of this act and to provide that this act shall become effective on January 1, 1992.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 411 - to the Committee on Commerce, Transportation, and  
Utilities

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. McKee:

**H. 42.** To provide that appeals from death sentence cases and from post conviction writs involving such cases shall be directly to the Alabama Supreme Court; to amend Sections 12-3-9 and 13A-5-53, Code of Alabama 1975; to provide that the Alabama Supreme Court shall amend the Alabama Rules of Appellate Procedure to accommodate and reflect the provisions of this act; and to provide which cases shall be

governed by the new act.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 42 - to the Committee on Judiciary/Criminal Justice and Public Safety

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. McMillan and Penry (With Notice and Proof):

**H. 495.** Relating to the Board of Education of Baldwin County; authorizing the board to expend public school funds to provide office supplies and equipment for use in the office of the Superintendent of Education.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 495, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate

Standing Committee, as follows:

HB 495 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Butler:

**H. 67.** To amend Section 13A-5-40, Code of Alabama 1975, which provides for capital offenses, so as to include murder committed while trafficking in controlled substances as a capital offense.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 67 - to the Committee on Judiciary/Criminal Justice and Public Safety

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Turner (With Notice and Proof):

**H. 612.** Relating to Mobile County, authorizing residents to construct and maintain a permanent mailbox on the right-of-way of a county highway and authorizing residents to use a protective covering to protect said mailbox from vandalism.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 612, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.



and ordered same sent forthwith to the Senate without engrossment:

By Rep. Black (M) (With Notice and Proof):

**H. 576.** Relating to Colbert County and particular portions thereof, to provide further for fire protection, to levy a fire protection service fee on certain owners of dwellings, to provide for certain exemptions, to provide for the collection of said fee, to provide for the distribution of funds derived from said fee to volunteer fire departments, to provide for the expending and accounting of said funds, to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department, to provide that the county shall be immune from certain liability, and to provide that the operation of the act is conditioned on approval of certain electors at an election.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 576, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Blakeney (With Notice and Proof):

**H. 618.** To alter or rearrange the boundary lines of the Town of Silas, Choctaw County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Choctaw County, Alabama.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 618, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Bryant (With Notice and Proof):

**H. 669.** Relating to Perry County; repealing Act No. 80-492, H. 1040, 1980 Regular Session, as amended, which provides for an

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 612 - to the Committee on Local Legislation No. 3

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turnham:

**H. 183.** To establish an Act relating to preschool special education services for children with disabilities, ages 3 through 5 years, inclusive; to provide a free appropriate public education for preschool children with disabilities, ages 3 through 5 years, inclusive, in accordance with the Individuals with Disabilities Education Act, previously known as the "Education of the Handicapped Act," Public Law 91-230 and all amendments thereto.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 183 - to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills

assessment on forest lands for fire protection.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 669, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Letson (With Notice and Proof):

**H. 675.** Relating to Lawrence County, to provide for the assessment and collection of an additional court charge on each district and circuit court case filed and to provide for the distribution of the proceeds of said additional charge to the historical commission.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 675, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 576, 618, 669, and 675 - to the Committee on Local  
Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Layson (With Notice and Proof):

**H. 725.** Relating to Pickens County; providing that the Pickens

County Commission may establish and adopt voting centers by resolution.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 725, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Richardson (With Notice and Proof):

**H. 728.** To amend Section 1 of Act No. 89-397, H. 673 of the 1989 Regular Session (Acts 1989, p. 776), which levied a certain tax on tobacco and tobacco products in Jackson County, so as to provide further for such tax.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 728, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Carter (With Notice and Proof):

**H. 731.** Relating to Limestone County; so as to further provide for an additional expense allowance and expiration date therefor and the coroner and deputy coroner's compensation, in the next term of office for coroner and deputy coroner and to authorize the coroner and deputy coroner to use their compensation to employ an assistant as needed.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 731, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 725, 728, and 731 - to the Committee on Local Legislation  
No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Letson (With Notice and Proof):

**H. 674.** Relating to Lawrence County; providing for the county commission to reimburse the offices of the tax collector, tax assessor, revenue commissioner, license commissioner and the probate judge for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that such funds shall be payable from the general fund of the county.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 674, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Layson (With Notice and Proof):

**H. 708.** Relating to Pickens County; repealing Act No. 83-706, H. 857, 1983 Regular Session and Act No. 84-554, 1984 Regular Session, which provide for assessments on forest lands for fire protection.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 708, AS REQUIRED IN THE

## GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Lindsey (With Notice and Proof):

**H. 719.** Relating to Cleburne County; repealing Act No. 81-139, H. 576, 1981 Regular Session, as amended, which provides for an assessment on forest lands for fire protection.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 719, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.*GREG PAPPAS,*  
*Clerk.***HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 674, 708, and 719 - to the Committee on Local Legislation  
No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kennedy, Starkey, and Zoghby:

**H. 370.** To amend certain sections in Title 40 of the Code of Alabama 1975, relating to crimes and offenses committed by employees of the Department of Revenue for violations of revenue and taxation

statutes, regulations and procedure requiring confidentiality of information and certain exclusions therefrom; to amend Section 40-18-52, Code of Alabama 1975, to increase the punishment for violation of the confidentiality of income tax returns and income tax information and to amend Section 40-1-33, Code of Alabama 1975, so as to increase the punishment for violation of the confidentiality of all tax returns and information secured by the Department of Revenue; to amend Section 40-1-33, Code of Alabama 1975, to provide for the promulgation of rules and regulations permitting the exchange of tax information with other federal, state, county and municipal government tax agencies and associations of state tax agencies; and to specifically repeal Sections 40-23-29 (relating to confidentiality of sales tax returns), 40-23-84 (relating to confidentiality of use tax returns), 40-14-57 (relating to confidentiality of franchise tax returns), and 40-17-202 (relating to confidentiality of carriers and warehouse returns) of the Code of Alabama 1975 since those provisions would be duplicative of Section 40-1-33, Code of Alabama 1975.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 370 - to the Committee on Judiciary/Criminal Justice and Public Safety

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 279.** To provide for immunity for certain persons responding to certain oil spills.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 279 - to the Committee on Agriculture, Conservation,  
and Forestry

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Zoghby, White, Harper, Rockhold, Box, Campbell, Gaston, Penry, McMillan, Clark (W), Buskey (JL), Kennedy, McDowell, Barnes, Biddle, Payne, Carns, Hawkins, McClain, Millican, Gaines, Sanderson, Kvalheim, Gullatt, Hooper, McKee, Mikell, Turner, Curry, Morton, Smith (C), Newton (C), Holmes, Escott-Russell, Buskey (JE), Thomas, Rogers (J), and Warren:

H. 627. To create a State of Alabama Rapid Rail Transit Commission; and to provide for its membership and duties.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 627 - to the Committee on Commerce, Transportation, and Utilities

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Petelos, Gaines, Buskey (JL), Sanderson, McDowell, Thomas, McClain, Spratt, Curry, and Box:

H. 34. To provide for a community punishment and cor-



rections program and procedures as alternative punishment for eligible offenders; to provide for local community punishment and corrections planning boards in the judicial circuit or counties to develop a local community punishment and corrections plan to qualify for receipt of funding; to provide for the establishment of such alternative plans and programs whereby state funds may be granted or contracted with or through local governments and qualified non-profit, human service agencies and entities to provide planning, treatment, guidance, training or other rehabilitative services and programs; to provide authorization for the department of corrections to participate in the plan; to provide for immunity from civil liability, except in cases of willful or wanton misconduct, fraud, or gross negligence for county governmental units, community corrections advisory boards, non-profit entities or officials, directors and employees thereof, for any injury or loss sustained by a person performing any duty or responsibility under the act and from liability for any tortious acts performed by such person while sentenced under this act and to provide the effective date of this act.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 34 - to the Committee on Judiciary/Criminal Justice and Public Safety

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 265.** To amend Section 41-4-17, Code of Alabama, 1975, as amended, so as to eliminate the State Capitol building from exception of rent.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 265 - to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

**H. 204.** To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1992.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 204 - to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Buskey (JL):

**H. 21.** To amend Section 41-16-24 of the Code of Alabama 1975, relating to bids on public contracts, so as to provide for trade-in

value to be credited against cost of certain replacement property.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 21 - to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 231.** To make an appropriation from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 231 - to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 267.** To amend Section 2-C-52 of Act 90-764 of the Regular Session, 1990, so as to eliminate the requirement for a transfer to the State General Fund of \$2,000,000 from the Capitol Complex Maintenance and Repair Fund.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 267 - to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 789.** To appropriate the sum of \$311,500 from the State General Fund to the Board of Pardons and Paroles for the fiscal year ending September 30, 1991.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 789 - to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 258.** To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1992, and to require an operations plan prior to release of any funds.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 258 - to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Harper, Turnham, Knight, Campbell, Box, Higginbotham, Burke, Hooper, Kennedy, Thomas, Buskey (JL), Lindsey, Morrow, Parker (T), Clark (J), Hammett, Kvalheim, Gaston, Penry, Zoghby, Black (L), Johnson, Newton (C), Clay, Bryant, McDowell, Rogers (J), Spratt, Melton, Grayson, and Freeman:

**H. 813.** To amend Section 22-30B-2 of the Code of Alabama 1975, to remove court-stated objections to differences in hazardous waste disposal fees based on point of origin, by establishing a single base fee of \$104.60 per ton to be paid by operators of commercial hazardous waste disposal sites for all waste or substances disposed of at such sites effective July 15, 1990, until the effective date of this act and thereafter various rates per ton depending on the type of waste generated, and to alter the exemption qualification filing date; to amend Section 22-30B-2.1, relating to the payment of certain fees and guarantees to certain counties, so as to provide further for the allocation of the new fee and payment of the guarantee and the reimbursement of the guarantee by the county; to amend Section 22-30B-2.2, relating to the payment of certain fees to the Alabama public health finance authority, so as to provide further for the allocation of the new fee to said authority; to amend Section 22-30B-4 to consolidate and provide for certain county

fees and to provide for their collection by the counties; to repeal Section 22-30B-2.3 relating to limitation of volume of wastes annually disposed of at commercial hazardous waste disposal facilities; to place a volume limit on certain hazardous waste or substances that may be disposed at certain facilities and to prohibit the disposal of "household waste" at such facilities and to provide for emergency waivers of volume limitation; and to establish and to fund an environmental research trust fund and to provide for the administration of the fund and the distribution of money in said fund.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 813 - to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 233.** To make an appropriation from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 233 - to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carns, Fuller, Hawkins, Sanderson, Hooper, Curry, Zoghby, Turner, McMillan, Rockhold, Crow, Willis, Mikell, Gaines, Hill, Knight, Morton, Biddle, McKee, Payne, Millican, Smith (C), Laird, Hamilton, Blakeney, Petelos, Butler, Penry, Walker, White, Drake, and Cullins:

**H. 337.** To provide for the prohibition of abortions in the state except to save the life of the mother, or in reported cases of specified rape or incest; to provide certain affirmative defenses for rape and incest; to provide that the woman upon whom the abortion is being performed is not subject to criminal penalties; to provide otherwise criminal penalties for the crime of abortion; to provide certain reporting requirements and criminal penalties for failing to report; and to repeal Section 13A-13-7 of the Code of Alabama 1975.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 337 - to the Committee on Health

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 251.** To make an appropriation from the State General Fund

to the Alabama Council for Parenting and Protecting Children, Inc. for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 251 - to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 248.** To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 248 - to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:



By Rep. Harper:

**H. 706.** To expand the purposes for which the Alabama Youth Services Board may expend certain funds appropriated in Act 90-764, section 2C.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 706 - to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kennedy, Zoghby, Buskey (JE), and Clark (W) (With Notice and Proof):

**H. 746.** To repeal Act No. 81-446, H. 679, 1981 Regular Session, entitled, "An Act Relating to Mobile County; to provide further for the compensation of election employees and officers," to repeal Act No. 85-694, H. 954, 1985 Regular Session, and to provide further for the compensation of election employees and officers.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 746, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing

Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 746 - to the Committee on Local Legislation No. 3

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Zoghby (With Notice and Proof):

**H. 843.** Relating to Mobile County, the City of Mobile and retirement benefits for certain municipal employees; providing that certain persons who have been credited for military service by the state retirement systems shall be credited with such military service by the city and paid from the municipal funds.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 843, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Lindsey (With Notice and Proof):

**H. 859.** Relating to Cherokee County; providing certain additional compensation for the poll workers to be paid from the county general fund.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 859, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Lindsey (With Notice and Proof):

**H. 860.** Relating to Cherokee County; to provide for the merg-

ing of the budgetary operations of the Revenue Commissioner's office; to provide that the said office shall be financed on a pro rata share basis from proceeds of state, county and municipal ad valorem taxes collected in the county; to establish a separate county fund to receive the tax collections, to be named the revenue commissioner's operational fund; and to provide for supplemental effect.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 860, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 843 - to the Committee on Local Legislation No. 3

HB's 859 and 860 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Sanderford, Walker, McKee, Blakeney, Mikell, McMillan, Penry, Gaston, Kvalheim, Knight, Powell, Rich, McDaniel, Morton, and Sanderson:

H. 73. To provide that the Department of Public Safety shall suspend the driver's license of any person convicted or adjudicated of violating Sections 13A-12-202, 13A-12-203, 13A-12-204, 13A-12-211, 13A-12-212, 13A-12-213, 13A-12-214, 13A-12-215, or 13A-12-231 of the Code of Alabama 1975.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 73 - to the Committee on Judiciary/Criminal Justice and Public Safety

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Thomas (With Notice and Proof):

**H. 722.** Relating to Lowndes County; providing further for the compensation of the county coroner and repealing Act No. 620, H. 795, 1967 Regular Session, as amended, and Act No. 515, H. 1135, 1965 Regular Session, as amended.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 722, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Thomas (With Notice and Proof):

**H. 723.** Relating to Lowndes County; authorizing the county commission to levy additional sales and use taxes paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 40-23-4, 40-23-60, 40-23-61, 40-23-62 and 40-23-63 of the Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the

state department of revenue; and prescribing penalties and fixing punishment for violation of this act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 723, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. Rich and McDaniel (With Notice and Proof):

**H. 755.** Relating to Marshall County, amending Act No. 82-206, H. 623, 1982 Regular Session, which establishes a civil service system for county employees, so as to remove certain employees from the provisions of the act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 755, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Warren (With Notice and Proof):

**H. 777.** To amend Section 1 of Act No. 256, S. 392 of the 1973 Regular Session (Acts 1973, p. 289), entitled "An Act To provide for an additional expense allowance for the members of the Monroe County Board of Registrars," so as to provide further for such expense allowance retroactive to October 1, 1985; and to specifically repeal Act No. 90-628, H. 886, 1990 Regular Session (Acts 1990, p. 1148).

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 777, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 722, 723, 755, and 777 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Bryant (With Notice and Proof):

**H. 838.** To amend Section 1 of Act No. 1378, page 2323, Acts of Alabama 1971, entitled "Relating to Hale County; fixing the fee for issuance of pistol permits by the sheriff and providing for disposition and use of such fees" so as to increase this fee.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 838, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Mathis (With Notice and Proof):

**H. 844.** Relating to Geneva County; to authorize the County Board of Education, by resolution passed in open session, to increase their monthly expense allowance.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 844, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 838 and 844 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 243.** To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 243 - to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 645.** To make a supplemental appropriation for the sum of Twenty-five thousand dollars (\$25,000) to the Alabama Liquefied Petro-

leum Gas Board from the Alabama Liquefied Petroleum Gas Board Fund for the fiscal year ending September 30, 1991.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 645 - to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 440.** To appropriate the sum of \$500,000 from the State General Fund to the State Highway Department for the operations and maintenance of the Gulf Breeze Amtrak Passenger Train Service for the fiscal year ending September 30, 1991.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 440 - to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:



By Rep. Ford:

**H. 131.** Relating to the Alabama Public Service Commission; amending Sections 37-3-10, 37-3-11, 37-3-13, 37-3-15, 37-3-17, 37-3-21 and 37-3-22 of the Code of Alabama 1975, relating to motor vehicle carriers, so as to provide further for the regulation of such carriers and repealing Section 37-3-14 of the Code of Alabama 1975, which relates to the dual operations by motor vehicle carriers.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 131 - to the Committee on Commerce, Transportation, and Utilities

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 250.** To make an appropriation from the State General Fund to the Child Advocacy Centers for the fiscal year ending September 30, 1992, and to require operations plans and audited financial statements prior to release of any funds.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 250 - to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 244.** To make an appropriation from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 244 - to the Committee on Finance and Taxation

**MOTION TO ADJOURN LOST**

At 2:25 P.M., Senator Corbett moved that the Senate adjourn until Tuesday, June 18, 1991, at 1 o'clock P.M., which motion was lost.

Yeas 5 Nays 18

Yeas:

Senators:

Amari, Corbett, Hilliard, Parsons, and Windom

- 5

Nays:

Senators:

Bailey, Barron, Bennett, deGraffenried, Denton, Dixon, Ellis, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Owens, Preuitt, Smith (B), Smith (J), and Waggoner

-18

**MOTION TO ADJOURN**

Senator Preuitt moved that when the Senate adjourns today, it

adjourn to meet again on Tuesday, June 18, 1991, at 10 o'clock A.M.

Senator Amari offered a substitute motion that when the Senate adjourns today, it adjourn to meet again on Tuesday, June 18, 1991, at 8 o'clock A.M.

On motion of Senator Hilliard, said substitute motion was laid on the table.

Yeas 14 Nays 8

Yeas:

Senators:

Barron, Bennett, deGraffenried, Denton, Dixon, Ellis, Hale, Hilliard, Horn, Lipscomb, Owens, Preuit, Smith (B), and Waggoner -14

Nays:

Senators:

Amari, Bailey, Corbett, Foshee, Ghee, Lindsey, Wilson, and Windom - 8

#### MOTION TO ADJOURN LOST

At 2:37 P.M., Senator Hilliard moved that the Senate adjourn until Tuesday, June 18, 1991, at 1:15 P.M., which motion was lost.

Yeas 5 Nays 22

Yeas:

Senators:

Corbett, Figures, Hilliard, Parsons, and Wilson - 5

Nays:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Owens, Preuit, Smith (B), Smith (J), Waggoner, and Windom -22

#### MOTION TO ADJOURN

The question recurred on the motion of Senator Preuit that when the Senate adjourns today, it adjourn to meet again on Tuesday, June 18, 1991, at 10 o'clock A.M.

Senator deGraffenried offered a substitute motion, that when the

Senate adjourns today it adjourn to meet again on Tuesday, June 18, 1991, at 12 o'clock Noon, which motion was adopted.

And said Preuitt motion to adjourn, as amended, was then adopted.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Black (M) (With Notice and Proof):

**H. 791.** Relating to Colbert County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; abolishing the offices of tax assessor and tax collector; repealing conflicting laws; and providing for a referendum thereon.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 791, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 791 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills

and ordered same sent forthwith to the Senate without engrossment:

By Reps. Mathis, Beasley, and Carothers (With Notice and Proof):

**H. 613.** Relating to compensation for the sheriff of Houston County; providing for an increase in such compensation commencing with the next term of office.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 613, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. Mathis, Beasley, and Carothers (With Notice and Proof):

**H. 614.** Relating to Houston County; providing an additional expense allowance for the sheriff of Houston County; and providing for an expiration date thereof.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 614, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 613 and 614 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and

ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 266.** To amend Act No. 90-556 of the Regular Session, 1990, as it amended Act No. 89-79 of the Regular Session, 1989, as it amended Act No. 88-947 of the 1st Extraordinary Session, 1988, as it amended Act No. 87-761 of the Regular Session, 1987, as it amended Section 4 of Act No. 86-645 of the 1st Extraordinary Session, 1986, concerning the repayment of funds transferred from Fund No. 305735 by said Act.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 266 - to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Bugg (With Notice and Proof):

**H. 738.** Relating to Etowah County; to provide that the probate judge shall provide for an additional method of ordering annual certificates of registration of boats by mail; to provide that the probate judge shall charge an additional \$2.00 to the boat owner for each such certificate issued by mail, and to provide for the disposition of such fees.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 738, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Parker (P) (With Notice and Proof):

**H. 776.** To alter, rearrange and extend the boundary lines and

corporate limits of the municipality of Hartselle, in Morgan County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 776, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 738 and 776 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Blakeney (With Notice and Proof):

**H. 663.** Relating to Marengo County; repealing Act No. 85-467, H. 715, 1985 Regular Session, which provides for an assessment on forest lands for fire protection.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 663, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. Clark (W) and Buskey (JE) (With Notice and Proof):

**H. 846.** Relating to the City of Prichard, Mobile County, and

the pension and retirement fund for such city; amending further SECTION XII of Act No. 235, H. 290, 1963 Regular Session, as last amended, relating to the payment eligibility and the formula therefor of certain retirees, so as to provide for such eligibility.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 846, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Harper (With Notice and Proof):

**H. 856.** Relating to Mobile County; changing the name of Mobile County High School.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 856, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 663 - to the Committee on Local Legislation No. 1

HB's 846 and 856 - to the Committee on Local Legislation No. 3

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:



By Rep. Harper:

**H. 857.** To amend section 40-23-68 of the Code of Alabama 1975, to provide that the use taxes levied therein shall be paid to the State on a monthly basis beginning October 1, 1991.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

**HB 857 - to the Committee on Finance and Taxation**

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Carothers, Beasley, and Mathis:

**HJR 302. RECOGNIZING THE CENTENNIAL CELEBRATION OF THE TOWN OF ASHFORD IN HENRY COUNTY, ALABAMA.**

Also:

By Rep. Holley:

**HJR 305. COMMENDING ROY M. "BUBBA" CADDELL, JR., OF PRATTVILLE, ALABAMA.**

Also:

By Rep. Holley:

**HJR 306. COMMENDING JUDY HAYES OF DUNCANVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.**

Also:

By Rep. Higginbotham:

**HJR 307. COMMENDING THE OPELIKA HIGH SCHOOL BOYS TENNIS TEAM FOR OUTSTANDING ACHIEVEMENT.**

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The Resolutions, HJR's 302, 305, 306, and 307, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Butler, Freeman, Hall, Sanderford, and Grayson:

**HJR 308. COMMENDING JERRI MCLAIN FOR DISTINGUISHED SERVICE AS A MEMBER OF THE ALABAMA EDUCATIONAL TELEVISION COMMISSION, 1970-1991.**

Also:

By Rep. Cosby:

**HJR 309. COMMENDING VAUGHAN REGIONAL MEDICAL CENTER, SELMA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE.**

Also:

By Rep. Williams:

**HJR 310. MOURNING THE DEATH OF THE REVEREND WILLIAM COMER AUTREY OF OZARK, ALABAMA.**

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The Resolutions, HJR's 308, 309, and 310, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Venable and Richardson:

**HJR 294. RECOGNIZING THE CHARTER INDUCTEES OF THE ALABAMA HIGH SCHOOL SPORTS HALL OF FAME.**

Also:

By Reps. Ford, Bugg, and Smith (R):

**HJR 295. MOURNING THE DEATH OF BOBBY LEE AUSTIN OF GADSDEN, ALABAMA.**

Also:

By Rep. Parker (P):

**HJR 297. COMMENDING THE HARTSELLE HIGH SCHOOL TIGERS ON THE 1991 STATE CLASS 5A BASEBALL CHAMPIONSHIP.**

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The Resolutions, HJR's 294, 295, and 297, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint

Resolution and sends same herewith to the Senate for its consideration:

By Reps. Freeman, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

**HJR 298. COMMENDING WILLIAM F. ARENDALE FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE TO THE UNIVERSITY OF ALABAMA IN HUNTSVILLE.**

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The Resolution, HJR 298, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Hill, Payne, Hawkins, Biddle, Sanderson, Knight, Curry, Morton, and Rogers (F):

**HJR 285. COMMENDING JAN WATTS OF BIRMINGHAM,**

ALABAMA, FOR OUTSTANDING LEADERSHIP AND DEDICATED SERVICE TO THE BIRMINGHAM ASSOCIATION OF REALTORS.

Also:

By Reps. Kvalheim, Gaston, Rockhold, Box, and Zoghby:

**HJR 292. MOURNING THE DEATH OF WILLIAM J. DIFFLEY OF MOBILE, ALABAMA.**

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The Resolutions, HJR's 285 and 292, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Newton (C):

**HJR 284. NAMING "VETERANS MEMORIAL PARKWAY" IN GREENVILLE, ALABAMA.**

Also:

By Rep. McClain:

**HJR 287. HONORING LEON C. HAMRICK, M.D. OF FAIRFIELD, ALABAMA FOR DISTINGUISHED SERVICE TO THE MEDICAL PROFESSION AND TO THE CITIZENS OF THIS STATE.**

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The Resolutions, HJR's 284 and 287, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. White:

**HJR 282. RELATIVE TO MEETING DAYS.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, June 6, 1991, they adjourn to meet again on Tuesday, June 11, 1991.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 282, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

**SJR 88. CREATING A JOINT LEGISLATIVE COMMITTEE ON THE CRISIS IN CHILDREN'S REHABILITATION SERVICES.**

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Rogers (J):

**HJR 270. RECOGNIZING GREATER SHILOH MISSIONARY BAPTIST CHURCH OF BIRMINGHAM, ALABAMA, ON ITS 100 YEARS OF CHRISTIAN SERVICE TO THE COMMUNITY.**

Also:

By Rep. Rogers (J):

**HJR 271. COMMENDING MISS INEZ BROWN AND MR. COLVIN R. ARNOLD ON THEIR UPCOMING NUPTIALS.**

Also:

By Reps. Grayson, Butler, and Kennedy:

**HJR 277. COMMENDING LAURA V. HALL OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING SERVICE AS PRESIDENT OF THE HUNTSVILLE EDUCATION ASSOCIATION.**

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The Resolutions, HJR's 270, 271, and 277, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Lindsey:

**HJR 268. DECLARING A DAIRY CRISIS IN ALABAMA AND CALLING ON DAIRY PRODUCT DISTRIBUTORS TO GRANT RELIEF.**

WHEREAS, the price paid dairy farmers for their products has dropped 27 percent from \$17.60 per cwt in January 1990 for all milk to 12.80 per cwt in January 1991; and

WHEREAS, the price decrease is not reflected in the price the consumer pays at the market; and

WHEREAS, if relief is not granted the Alabama Commissioner of Agriculture and Industries projects, that one-half of the state's dairy farmers will be out of production in the next twelve months; and;

WHEREAS, Alabama currently imports 60 percent of the dairy products consumed in this state, and the loss of any Alabama dairy farmers will cause this figure to increase; and

WHEREAS, the United States Congress is working diligently to set new price controls for dairy products, but this action will come too late to save most Alabama dairy farmers threatened by the price cuts; and

WHEREAS, the production and marketing of milk are of vast economic importance to the state and of vital interest to the consuming public, and it is in the public interest that this paramount agricultural industry be protected against the drastic effects of rapid decline in milk prices which has resulted in the current dairy emergency; and

WHEREAS, milk prices that now prevail in Alabama are not sufficient for dairy farmers to meet loan payments, cost of production and to maintain dairy operations, but an interim price will encourage farmers to remain in dairy production until a permanent price relief, either by governmental action or through the marketplace, is forthcoming; and

WHEREAS, establishment of an interim price will promote market stability, reduce violent fluctuations and better ensure the availability of a quality milk supply throughout the state; and

WHEREAS, the short-term relief to be provided by the interim price should not result in any significant impact on consumer prices.



WHEREAS, it is entirely appropriate to call on the distributors of Alabama dairy products to set an interim fair price to be paid to Alabama dairy farmers for their product until the United States Congress has resolved the issue; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, that all distributors of Alabama dairy products be called upon to set a fair price to be paid to Alabama dairy farmers for their product until the United States Congress has resolved the issue.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The Resolution, HJR 268, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Rogers (J):

**HJR 272.** COMMENDING TORRY DEWAYNE MACK OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE IN THE PERSIAN GULF.

Also:

By Rep. Rogers (J):

**HJR 274.** MOURNING THE DEATH OF BENNIE J. WEBSTER OF INDIANAPOLIS, INDIANA.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The Resolutions, HJR's 272 and 274, set out in the foregoing Message from the House, were read and referred to the Standing Com-

mittee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Zoghby, Morrow, Petelos, Hill, Hawkins, Thomas, Ford, Cosby, Beasley, Holladay, Escott-Russell, Gaines, Smith (C), White, Anderson, Barnes, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, Williams, and Willis:

**HJR 259. DESIGNATING "INDEPENDENT COMMUNITY BANKING WEEK" IN ALABAMA, THE WEEK OF SEPTEMBER 15-21, 1991.**

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The Resolution, HJR 259, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Holmes, Clark (J), Kennedy, Newton (D), McClain, Melton, Clay, Black (L), Bryant, Campbell, Rogers (J), McDowell, Box, Drake, Buskey (JL), Freeman, Parker (P), Escott-Russell, Harper, Bugg, Fuller, Biddle, Anderson, Barnes, Beasley, Black (M), Blakeney, Bowling, Burke, Buskey (JE), Butler, Cagle, Carns, Carothers, Carter, Clark (W), Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F) Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

**HJR 260. COMMENDING GEORGE PERDUE OF BIRMINGHAM, ALABAMA, UPON HIS ELECTION AS CHAIRMAN OF THE ALABAMA LEGISLATIVE BLACK CAUCUS.**

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The Resolution, HJR 260, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Layson and Payne:

**HJR 264. COMMENDING ALBERT G. MORTON OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE.**

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 264, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McKee:

**HJR 242. COMMENDING LESTER HENDERSON OF MONTGOMERY, ALABAMA, PSI 1991 EXECUTIVE OF THE YEAR.**

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 242, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Zoghby, Clark (W), Kennedy, Buskey (JE), Box, Rockhold, Kvalheim, Harper, Gaston, and Turner:

**HJR 236. MOURNING THE DEATH OF EMMA KAHALLEY ZOGHBY OF MOBILE, ALABAMA.**

Also:

By Rep. Black (L):

**HJR 237. COMMENDING LIVINGSTON UNIVERSITY ON**

**THE 1991 GULF SOUTH CONFERENCE SOFTBALL CHAMPIONSHIP.**

**GREG PAPPAS,**  
Clerk.

**HOUSE MESSAGE**

The Resolutions, HJR's 236 and 237, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Carothers, Beasley, and Mathis:

**HJR 246. COMMENDING THE HOUSTON ACADEMY LADY RAIDERS ON THE CLASS 1A-4A STATE TENNIS CHAMPIONSHIP.**

Also:

By Reps. Carothers and Beasley:

**HJR 247. CONGRATULATING THE ASHFORD ACADEMY LADY FALCONS ON THE AISA STATE CLASS 2A SOFTBALL CHAMPIONSHIP.**

Also:

By Rep. Williams:

**HJR 248. COMMENDING THE U.S. ARMY AVIATION CENTER'S AIRCRAFT MAINTENANCE TEAM.**

**GREG PAPPAS,**  
Clerk.

**HOUSE MESSAGE**

The Resolutions, HJR's 246, 247, and 248, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Rogers (J):

**HJR 254. ESTABLISHING THE CONTINUING YOUTH GANG VIOLENCE COMMISSION.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Continuing Youth Gang Violence Commission for the purpose of addressing the existing problems and potential problems of youth gangs in and around the state. The commission shall be composed of eight citizens appointed by the Attorney General of the State of Alabama. Membership shall include representatives of agencies or organizations which provide services to the youth. The chairman of the commission shall be a member of the House of Representatives of the State of Alabama.

BE IT FURTHER RESOLVED, That the duty and function of the commission shall include, but not be limited, to reviewing state and federal laws relating to youth gang violence; proposing state legislation regarding gang violence issues for consideration by the Governor and the Legislature; proposing and implementing educational and prevention programs on gang violence; and supervising all state level initiatives and efforts to eliminate and further prevent youth gang violence.

RESOLVED FURTHER, That the commission shall meet at such time and places as designated by the chairman, who shall be responsible for its administrative and operational functioning and who is empowered to take all actions necessary to keep it functioning efficiently and effectively and shall have, in this regard, all rights and privileges accorded commissions under Alabama regulations and laws. All major programs and initiatives of the commission must be approved by a majority of the membership in actual attendance at the meeting in which such programs and initiatives are decided. Total committee expense shall not be in

excess of \$5,000.00 for reimbursement of expenses while on committee business.

FURTHER RESOLVED, That the commission shall submit a report of its findings and recommendations by the fifteenth legislative day of the 1992 Regular Session and shall be dissolved.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The Resolution, HJR 254, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

#### HJR 251. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, May 28, 1991, they adjourn to meet again on Tuesday, June 4, 1991.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The Resolution, HJR 251, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

**HJR 253. DESIGNATING SEPTEMBER 6, 1991, AS "TROPICAL FISH DAY" IN ALABAMA.**

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The Resolution, HJR 253, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Letson:

**HJR 90. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON THE ENVIRONMENT.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study the environment. The committee shall be composed of three members of each house, to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the issues affecting the environment within the state, including, but not limited to, issues affecting land, air and water quality.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 10th legislative day of the 1992 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon



requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$5,000.00. The committee shall have subpoena power.

**AMENDMENT TO HJR 90**

Amend House Joint Resolution 90, on Page 2, Line 3 and Line 4, by striking after the words "not exceed \$5,000.00." the following language:

~~The committee shall have subpoena power.~~

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 90, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. McDowell and Newton (D):

**HJR 235. COMMENDING EARNEST L. COLVIN FOR DISTINGUISHED SERVICE TO THE ALABAMA PUBLIC SCHOOLS.**

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 235, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint

Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Zoghby and Box:

**HJR 229. MOURNING THE DEATH OF WILLIAM H. ARMBRECHT OF MOBILE, ALABAMA.**

Also:

By Rep. Holley:

**HJR 232. COMMENDING NEAL MIXSON HARDWICK FOR OUTSTANDING ACHIEVEMENT IN FUTURE BUSINESS LEADERS OF AMERICA.**

Also:

By Rep. Holley:

**HJR 233. COMMENDING SHARON DENISE RODGERS FOR OUTSTANDING ACHIEVEMENT IN FUTURE BUSINESS LEADERS OF AMERICA.**

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The Resolutions, HJR's 229, 232, and 233, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Cosby:

**HJR 226. COMMENDING MEADOWVIEW ELEMENTARY SCHOOL ODYSSEY OF THE MIND TEAM.**

Also:

By Rep. Cosby:

**HJR 227. COMMENDING MEADOWVIEW ELEMENTARY SCHOOL ODYSSEY OF THE MIND TEAM.**

Also:

By Rep. Cosby:

**HJR 228. COMMENDING MORGAN ACADEMY ODYSSEY OF THE MIND TEAM.**

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The Resolutions, HJR's 226, 227, and 228, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Harvey:

**HJR 216. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY PRICE FIXING AND GOUGING BY OIL JOBBERS.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study possible price fixing by oil jobbers. The committee shall be composed of three members of each house, to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of possible price fixing and price gouging of the general public by oil jobbers.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1992 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$2,500.00. The committee shall have subpoena power.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The Resolution, HJR 216, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Gaston, Penry, Kvalheim, Rockhold, Box, McMillan, Buskey (JE), Kennedy, Harper, Clark (W), and Turner:

**HJR 225. EXPRESSING THE WILL AND INTENT OF THE PEOPLE OF ALABAMA THAT THE PIPELINE PROPOSALS, KNOWN AS DOCKET NOS. CP89-522 AND CP89-523, PENDING BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION, BE APPROVED IN A TIMELY MANNER.**

WHEREAS, the State of Alabama is blessed with an abundance of natural resources including natural gas; and

WHEREAS, there exists in this State an industry infrastructure of

production, transmission, and distribution companies along with consumers utilizing natural gas for the benefit of the State and the nation; and

WHEREAS, natural gas is an important energy source to attract new and expanded industrial development opportunities into Alabama; and

WHEREAS, natural gas reserves located in Mobile Bay are estimated to hold between four and eight trillion cubic feet of natural gas; and

WHEREAS, several companies are presently exploring for and producing natural gas in state and federal water and require pipelines for transportation of this natural gas to state and national energy markets; and

WHEREAS, Southern Natural Gas Company, Florida Gas Transmission Company, ANR Pipeline Company/Coastal, Tennessee Gas Pipeline Company, Panhandle/Texas Eastern Pipeline Company and Transcontinental Gas Pipeline Company have joined in two applications before the Federal Energy Regulatory Commission (the Commission) to build and operate an offshore and onshore natural gas pipeline system to provide such a market outlet for this environmentally safe, abundant resource; and

WHEREAS, the applications are in final form and are currently pending approval before the Commission; and

WHEREAS, natural gas is an environmentally safe, clean burning energy source; and

WHEREAS, this domestically produced energy source can reduce the nation's dependance on imported fuels; and

WHEREAS, it is in the best interest of the State of Alabama that natural gas begin transmission through pipelines from these new production wells in an expeditious manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is the will and intention of the people of Alabama that the pipeline proposals known as Docket Nos. CP89-522 and CP89-523 be approved by the Commission in a timely manner.

BE IT FURTHER RESOLVED, That the Clerk of the House expeditiously transmit a copy of this resolution to the Chairman, Commissioner's and the Secretary of the Commission for filing in the above-referenced dockets.

RESOLVED FURTHER, That a copy of this resolution be sent to each member of the Alabama Congressional Delegation in Washington, D. C.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The Resolution, HJR 225, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Smith (R), Drake, Laird, Ford, Harvey, Clark (J), Lindsey, Rich, Haney, McKee, Starkey, Sanderford, McDaniel, Turnham, Beasley, Smith (C), Payne, Turner, Hamilton, Richardson, Newman, Letson, Blakeney, Collins, Cosby, McMillan, and Mikell:

**HJR 223. CREATING A CONSUMER PROTECTION REVIEW BOARD.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Consumer Protection Review Board to be composed of five members. One member shall be appointed by the Speaker of the House of Representatives for a term of five years, one member shall be appointed by the Lieutenant Governor for a term of four years, one member shall be appointed by the Attorney General for a term of three years and two members shall be appointed by the Governor, one for a term of five years and one for a term of two years. After the initial

appointments, members shall serve four year terms. All appointments shall be made within ninety days after the passage of this resolution. Vacancies shall be filled by the appointing authority in the same manner as the original appointment was made. Members shall elect a chairman and vice-chairman from among the membership. Members of the Legislature shall not be members of the board. Members shall receive actual expenses for each meeting they attend and expenses will be paid out of the state general fund. The appointee of the Attorney General will call the organizational session of the board within ninety days after the passage of this resolution, and the board will not meet more than four times in any calendar year.

BE IT FURTHER RESOLVED, That the board shall have the authority to conduct hearings and make recommendations concerning changes in the price of motor fuels. The board can investigate and disclose any reasons for variations in the price of similar or identical brands of motor fuels when there are differing prices in adjacent counties. The Attorney General shall supply legal assistance and the Clerk of the House shall provide clerical assistance as may be required by the board. The Legislature shall appropriate no more than \$5,000 annually to the board. The board must report its findings and any recommendations to the appointing authorities by the fifth legislative day of the 1992 regular legislative session, and the fifth legislative day of all succeeding regular sessions.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The Resolution, HJR 223, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. McClain and Rogers (J):

**HJR 215. HONORING JERRY D. AND GLADYS COLEMAN**

OF FAIRFIELD, ALABAMA, FOR DISTINGUISHED SERVICE TO EDUCATION AND TO THE COMMUNITY.

Also:

By Reps. Williams and Penry:

**HJR 218.** COMMENDING JIMMY JUNKINS OF GULF SHORES, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

By Rep. Cosby:

**HJR 219.** COMMENDING LEE INGRAM AND LESLIE NELSON FOR OUTSTANDING HEROISM.

Also:

By Rep. Cosby:

**HJR 220.** COMMENDING MELVIN E. SUMMERLIN OF SELMA, ALABAMA, ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The Resolutions, HJR's 215, 218, 219, and 220, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Butler, Freeman, Hall, Sanderford, Grayson, and Haney:

**HJR 221.** COMMENDING SHIRLEY M. PAUL FOR DISTIN-



GUISHED SERVICE TO THE UNIVERSITY OF ALABAMA IN HUNTSVILLE AND TO THE HUNTSVILLE COMMUNITY.

Also:

By Reps. McKee, Freeman, and Dolbare:

**HJR 222. DESIGNATING "SCHOOL SUPPORT PERSONNEL WEEK" IN ALABAMA.**

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The Resolutions, HJR's 221 and 222, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Carter:

**HJR 214. RELATIVE TO MEETING DAYS.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, May 23, 1991, they adjourn to meet again on Tuesday, May 28, 1991.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The Resolution, HJR 214, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### REPORTS OF COMMITTEES

Senator Windom, Chairperson of the Standing Committee on

Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Zoghby:

**H. 477.** To authorize state agencies an administrative option to require the timely electronic remittance of immediately available funds by any person, corporation or partnership required to satisfy an obligation due any agency of the state of Alabama amounting to one hundred thousand dollars (\$100,000) or more effective January 1, 1992, fifty thousand dollars (\$50,000) or more effective January 1, 1993 and twenty-five thousand dollars (\$25,000) or more effective January 1, 1994; establishes the date from which penalties and interest will be computed; and authorizes the promulgation of rules and regulations governing the manner in which such payments shall be made.

By Rep. Higginbotham:

**H. 121.** Relating to the George Wallace, Jr., linked deposits plan pursuant to chapter 21, Title 5, Code of Alabama 1975; to amend Sections 5-21-2, 5-21-3, 5-21-4 and 5-21-11, Code of Alabama 1975, so as to expand the plan to include discretionary emergency interim deposits to support loans made for property loss due to natural or man-made disasters; to provide further for definitions and legislative intent; to authorize such emergency deposits and define the term in interest rate of such deposits and to extend the plan to September 30, 1995.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Lipscomb, Bailey, Amari, Denton, Hale, Dial, Waggoner, Owens, Bolling, and Mitchell (With Substitute):

**S. 280.** To provide for the prohibition of abortions in the state except to save the life of the mother, or in reported cases of specified rape or incest; to provide certain affirmative defenses for rape and incest; to provide that the woman upon whom the abortion is being performed is not subject to criminal penalties; to provide otherwise criminal penalties for the crime of abortion; to provide certain reporting requirements and criminal penalties for failing to report; and to repeal Section 13A-13-7 of the Code of Alabama 1975.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Preuitt:

**S. 465.** To amend sections 30-3-61 and 30-3-62, Code of Alabama 1975, relating to child support withholding orders, so as to require the employer to remit to the clerk of the court, the department, or its designee the child support withheld within 10 days of the date the obligor is paid; to provide that payments withheld shall be paid over by the employer in accordance with section 30-3-61(b), Code of Alabama 1975; to specify the requirements for termination of withholding orders; and to require prompt termination of withholding when criteria are met; to amend section 30-3-94, Code of Alabama 1975, relating to the Interstate Income Withholding Act, so as to provide for immediate wage withholding on interstate child support cases.

By Senator Preuitt:

**S. 466.** To amend section 38-10-9, Code of Alabama 1975, which provides for the department of human resources to conduct investigations regarding financial ability of parents who owe child support, so as to authorize the department to conduct investigations to locate absent parents; to provide a penalty for failure to provide information; and to require private employers upon written request to furnish the department with certain information regarding a parent or putative parent in their employ; to amend section 38-10-12, Code of Alabama 1975, so as to exclude federal and state offset collections and disregard payments from the requirement that child support collections be disbursed within five days of receipt, in order to clarify compliance with other state law and federal regulations.

By Senator Bailey:

**S. 530.** To provide a simplified procedure for the amendment of certificates of incorporation or certificates of reincorporation of health care authorities in order to authorize every health care authority to increase the number of members on its board of directors and provide for their appointment.

Senator Horn, Chairperson of the Standing Committee on Finance

and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Dial, Mitchem, Bailey, and Owens (With Amendment):

**S. 56.** Providing certain educational assistance benefits for certain active members of the Alabama national guard.

By Senator Mitchem (With Amendment):

**S. 84.** To provide that certain full-time employees and executive officers of the Alabama state special olympics, inc., may elect to become members of the teachers' retirement system of Alabama; to provide that the entity and its employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state, and to provide for purchase of certain previous service credit in such system retroactively.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Mitchem, Dial, Little, Hale, deGraffenried, and Barron:

**S. 103.** To provide for an appropriation from the Alabama Special Educational Trust Fund to the Blount County Board of Education (J. B. Pennington High School) for the fiscal year ending September 30, 1992.

By Senator Horn:

**S. 250.** To amend Section 40-21-58, Code of Alabama 1975, to change the payment date from September 25 to August 25 of the license or privilege tax levied upon each person engaged in the telephone business.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Windom (With Amendment):

**S. 350.** To prohibit the spending of state monies for pension and annuity plans by agencies, boards, commissions and quasi-organizations which have received more than one-half of their funding from the state for the last three years and which do not participate in the employees' retirement system.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Hill, Johnson, Beasley, Millican, and Knight:

**H. 354.** To amend §40-17-31 (a) and §40-17-171, Code of Alabama, 1975, to provide that purchases of gasoline and lubricating oil by city and county boards of education, the Alabama Institute for Deaf and Blind, and the Department of Youth Services School District shall be exempt from taxation under the levy provided for in §40-17-31 (a) and §40-17-171, Code of Alabama, 1975.

By Senator Bedsole:

**S. 363.** To amend Section 44-1-51, Code of Alabama 1975, so as to provide that payment to youth services board members for attendance at board meetings or for performance of official duties be at the per diem and mileage expense rate as set for state employees.

By Senator Ellis:

**S. 486.** To provide that all fulltime employees and executive officers of the Developing Alabama Youth Foundation may elect to become members of the Teachers' Retirement System of Alabama; to provide that said foundation and its employees shall assume all costs, both contributory and administrative; and that no costs shall devolve upon the state.

By Senator Bedsole:

**S. 500.** To permit the state youth services director to appoint or employ police officers to protect the Alabama department of youth services and its facilities.

By Senator Horn:

**S. 516.** To permit the Alabama Youth Services Board to expend funds relating to juvenile probation officers' subsidies as appropriated in Section 2C of Act No. 90-764, H. 181, Regular Session 1990 (Acts 1990, p. 1475, et seq.).

By Senators Bailey, Dial, Floyd, Waggoner, Windom, Preuitt, Foshee, Lindsey, Little, Parsons, Bennett, Owens, Barron, and Horn:

**S. 197.** To establish an Act relating to preschool special education services for children with disabilities, ages 3 through 5 years, inclusive; to provide a free appropriate public education for preschool children with disabilities, ages 3 through 5 years, inclusive, in accordance with the Individuals with Disabilities Education Act, previously known as the "Education of the Handicapped Act," Public Law 91-230 and all amendments thereto.

By Senator Horn:

**S. 223.** To make a conditional appropriation from the State General Fund to the Alabama Department of Industrial Relations for the sum of Eighty-one thousand five hundred dollars (\$81,500) for the fiscal year ending September 30, 1991.

By Senator Horn:

**S. 434.** Relating to funds collected on behalf of the Farmers' Market Authority; and amending Section 2-5-14, Code of Alabama 1975, to further provide for the disposition of said funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senators Horn and Hilliard (With Amendments):

**S. 478.** To direct the state parks division of the conservation and natural resources department to accept Village Creek and Bayview Lake and to provide for development and management.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable

report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senators Barron, Corbett, Dial, Wilson, Little, Bailey, Bedsole, Ghee, Dixon, Lipscomb, Bolling, Ellis, Foshee, Preuitt, Campbell, Horn, Bennett, and Floyd (With Substitute) (With Amendments):

**S. 491.** To amend Section 41-23-1, Code of Alabama 1975, pertaining to the Department of Economic and Community Affairs, so as to establish the Office of Water Resources as a division of the Department of Economic and Community Affairs; to authorize the Office of Water Resources to take necessary steps to study and evaluate the water resources of the state; to establish the Alabama Water Resources Commission; to authorize the Alabama Water Resources Commission to promulgate rules and regulations for the Office of Water Resources; to authorize the Office of Water Resources to negotiate agreements or compacts with other states regarding the waters of the state; to authorize the Office of Water Resources to monitor the use of the water resources of the state; to grant the Office of Water Resources the authority to encourage the efficient use and development of the water resources of the state; and, to appropriate funds for the activities of the Office of Water Resources and the Alabama Water Resources Commission.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Langford:

**S. 508.** To provide further for the investment of the public employees' individual retirement account fund; and to amend Section 36-27A-4 of the Code of Alabama 1975.

By Senator Lindsey:

**S. 512.** To amend §36-27-23 of the Code of Alabama 1975, relating to the Employees' Retirement System of Alabama so as to provide for representation thereon for members of local units, to prescribe a method for their election and to provide for their terms of office.

By Senator Barron:

**S. 470.** To amend Sections 8-6-10, 8-6-11 and 8-7-6, Code of

Alabama 1975, relating to the Alabama Securities Commission, so as to provide further for funding for said commission by increasing certain commission application and investigative fees as well as earmarking certain other existing securities commission application and license fees for use by the commission; and to provide for an appropriation to the Alabama Securities Commission from monies deposited in the Alabama Securities Commission Fund.

By Senator Horn:

**S. 535.** To create a Permanent Joint Legislative Committee on Finances and Budgets, to meet during the interim periods between regular sessions of the Legislature; and to provide for its duties, powers, membership and compensation.

By Rep. Harper:

**H. 282.** This bill amends Section 2-5-14, Code of Alabama, 1975, to further define the disposition of funds.

By Reps. McDaniel and Rich:

**H. 356.** To provide for participation of employees of regional and local legislative delegation offices in the state employees' retirement system.

By Rep. Lindsey:

**H. 419.** To make a supplemental appropriation from the Farmers' Market Authority Fund to the Farmers' Market Authority for the sum of two hundred thirty-eight thousand five hundred and fifty dollars (\$238,550) for the fiscal year ending September 30, 1991.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Windom, Bennett, Wilson, Bedsole, Smith (J), Sanders, Ghee, Bolling, Lindsey, Parsons, deGraffenried, Horn, Waggoner, Corbett, Foshee, Hale, and Amari (With Substitute):

**S. 160.** To provide an 18.8% increase in judicial retirement



benefits beginning in October of 1991, for those retired district judges who assumed the office of district judge prior to July 30, 1979, and who retired before October 1, 1991; to provide that the board of control of the employees' retirement system shall compute the costs required and provide for payment of such amounts from the judicial retirement fund; to provide for an appropriation from the state general fund to cover the cost of the increase in benefits; to provide that this act shall supersede any inconsistent and conflicting laws; to provide that the increase shall not increase any local supplement or retirement benefits for retired district judges unless approved by the county commission affected; and to provide for an effective date.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Horn:

**S. 205.** To amend Code of Alabama, 1975, Sections 41-4-82 and 41-19-7 to require that the Governor shall submit his budget proposals to the Legislature 30 days prior to the beginning of each Regular Session of the Legislature and to repeal Sections 41-4-87 and 41-4-88 of the Code of Alabama, 1975.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Foshee, Denton, Corbett, Windom, Bailey, Hale, Horn, deGraffenried, Bennett, Parsons, Ellis, Smith (J), Hilliard, Lindsey, Bolling, Mitchem, Preuit, and Floyd (With Substitute):

**S. 304.** To amend Section 12-17-81, Code of Alabama 1975, relating to salaries of the circuit clerks of this state; to provide that the salaries of circuit clerks shall be a proportionate amount of the circuit judges' salaries as was in effect October 1, 1977; and to provide an effective date of October 1, 1992 for the provisions of this act.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the

calendar, to-wit:

By Senator Windom:

**S. 393.** To amend section 36-30-1 of the Code of Alabama 1975, relating to compensation for the death of peace officers and firemen so as to provide that the definition of peace officer shall include the alcoholic beverage control board enforcement division agents and to provide for retroactive effect.

By Senator Mitchem:

**S. 396.** To authorize any public hospital or other county or municipal agency, board or commission which has withdrawn from participation in the Employees' Retirement System to pay cost-of-living increases to retirees who were members of the Employees' Retirement System during their employment.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Horn (With Amendment):

**S. 472.** To amend Section 11-63-1 of the Code of Alabama 1975, relating to financial assistance for certain public corporations so as to provide further for the appointment of the directors.

By Senator Foshee (With Amendment):

**S. 513.** To provide for and establish investigators for the Office of the Attorney General; and to provide for the hiring, salaries, expenses, authority and duties of such investigators.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Owens (With Amendment):

**S. 66.** To amend Section 15-19-1, Code of Alabama 1975,

relating to arraignment as youthful offender status, so as to provide further for said arraignment.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Windom and Bedsole (With Substitute):

**S. 109.** To amend sections 13A-10-42 through 13A-10-44, Code of Alabama 1975, relating to hindering prosecution or apprehension so as to define further criminal assistance and hindering prosecution in the first and second degrees.

By Senators Bolling, Denton, Mitchell, Campbell, Dial, Bennett, Bedsole, Owens, Waggoner, Hale, Lipscomb, and Mitchem (With Substitute):

**S. 155.** To provide that the Department of Public Safety shall suspend the driver's license of any person convicted or adjudicated of violating Sections 13A-12-202, 13A-12-203, 13A-12-204, 13A-12-211, 13A-12-212, 13A-12-213, 13A-12-214, 13A-12-215, or 13A-12-231, Code of Alabama 1975.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bailey:

**S. 433.** To amend Section 20-2-90 of the Code of Alabama 1975, relating to the Alabama Uniform Controlled Substance Act, so as to provide further for enforcement of these provisions by the alcoholic beverage control board enforcement division and said board's agents and officers.

By Senator Wilson:

**S. 443.** To provide further for juvenile court jurisdiction; to provide for courts exercising juvenile jurisdiction in dependency cases

and remedies including: the option of entering an order of protection or restraint after notice and hearing, or on an emergency basis without notice, to protect the health or safety of a child through issuance of an order to require persons: to stay away from the home, the child or the family; to vacate the home; to limit visitation rights; to deny access to the home; to refrain from the commission of certain acts; to cooperate with counseling, treatment, or service plans; to obtain and participate in counseling; to restrain abusive, disruptive or harassing behavior; to limit or restrict contact or communication with the child or family; to pay temporary support or the cost of treatment of the child or family; to provide further for issuance of an emergency order without prior notice and hearing followed by a later court hearing within a specified time; to provide that a protective or restraint order, after notice and hearing, may be modified or terminated; to provide for criminal penalties; to provide that person(s) violating such orders may be held in contempt of court and be ordered to pay court costs and attorney fees for wilful conduct; and to provide that the provisions of this act shall be construed in pari materia with sections 30-5-1 through 30-5-11, Code of Alabama 1975, as amended, which is the "Protection From Abuse Act" and other criminal laws relating to child abuse laws, except to the extent there are no conflicts with this act.

By Senator Ellis:

**S. 487.** To provide for the employment, powers, and duties of police officers of the University of Montevallo.

By Senator Bailey:

**S. 531.** To provide that child victims of criminal offenses shall be considered competent witnesses.

By Senator Windom:

**S. 180.** To propose that those responsible for criminal activity may, when they have the financial ability to do so, be required by the court to make payments to a local crime stoppers program to help pay for crime stoppers' rewards.

By Senator Mitchem:

**S. 467.** To create a new district judgeship in Marshall County.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said

committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Little (With Amendment):

**S. 509.** To provide for criminal penalties for violation of a restraining or protection order issued pursuant to the Protection From Abuse Act, sections 30-5-1 through 30-5-11, Code of Alabama 1975, petition or any domestic relations or family violence cases and to provide for immunity.

By Senator Figures (With Amendment):

**S. 515.** To prohibit the refusal to license a person, who has learned a trade or profession while in prison, solely on the ground that he has been convicted of a crime.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Windom:

**S. 520.** To amend Section 22-22-14, Code of Alabama 1975, which relates to the Alabama Water Pollution Control Act, so as to conform the state criminal penalties with the penalties of the Federal Clean Water Act.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bennett:

**S. 343.** To create a new circuit judgeship in the tenth judicial circuit, Bessemer cut-off division; and to provide for the election, authority and compensation of such judge.

By Senator Figures:

**S. 400.** To prohibit discrimination in the selling, renting,

leasing, and financing of housing; to prohibit certain actions and activities; to provide for hearings and appeals; and to provide penalties.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Little (With Amendment):

**S. 291.** To amend Section 17-22A-18 of the Code of Alabama 1975, a part of the Fair Campaign Practices Act, so as to prohibit a political committee transferring any contribution to any other political committee.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Parsons, Bailey, Langford, Denton, Smith (J), Mitchem, Amari, Horn, and Bedsole:

**S. 299.** Relating to law enforcement officers; defines certain terms; provides for establishing professional standards relative to due process and rights of said officers during agency investigations.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Wilson (With Substitute):

**S. 454.** To amend section 12-17-184 of the Code of Alabama 1975, by deleting the requirement that district attorneys represent the board of registrars of the county or counties comprising their judicial circuits in all civil actions for damages.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favor-

able report, and it was read a second time and placed on the calendar, to-wit:

By Senator Denton:

**S. 20.** To amend Sections 13A-6-66 and 13A-6-67, Code of Alabama 1975, which relate to the crimes of sexual abuse in the first and second degrees, so as to increase the punishment for both crimes.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Parsons (With Amendment):

**S. 30.** To provide for financial liability due to negligence or any tort that results in civil liability in privately owned and operated prisons.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Owens:

**S. 290.** To create a new circuit judgeship in the nineteenth judicial circuit and to provide for residency requirements for Judgeship Number 1, Judgeship Number 2 and Judgeship Number 3.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Lindsey (With Amendment):

**S. 523.** To amend Section 15-22-54 of the Code of Alabama 1975, relating to arrest and disposition of person violating terms of probation so as to allow the execution of a sentence be maintained, amended or revoked; and to provide that the court may modify the imprisonment period originally pronounced.

By Senator Foshee (With Amendment):

**S. 528.** To authorize the Attorney General of Alabama to issue subpoenas.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Waggoner and Bailey:

**S. 186.** To establish early intervention services for infants and toddlers with disabilities and their families; to establish a state interagency coordinating council; to establish the responsibilities of the lead agency and authorize it to implement Part H of Public Law 99-457 in conjunction with the participating agencies and providers; and to provide timetables for implementation of a statewide, comprehensive, interagency, coordinated system of early intervention services.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Foshee (With Substitute):

**S. 359.** To authorize the creation and incorporation of the public gas authority of Alabama as a public corporation of the state of Alabama; to authorize the authority, as sole owner in common with others, to acquire, construct, improve, equip, alter, repair, operate, and maintain projects and systems embracing the storage, acquisition, production, distribution, exploration, treatment, liquefaction, vaporization, transmission, purchase, sale, exchange or interchange of gas and to acquire, construct, and equip all property and things necessary or convenient for the purposes of such projects and systems and the acquisition, construction, maintenance and operation thereof; to confer on the authority powers to carry out its purposes including, among others, the power of eminent domain, to provide for an election committee and the selection of representatives thereto and for the nomination and selection of members of the board of directors of the authority by the election committee; to authorize the authority and certain munici-



pal and public corporations and others to execute contracts for the use of its projects and systems and the services thereof and for the purchase of gas therefrom and to enforce the performance thereof; to authorize the authority to issue its bonds, bond anticipation notes and notes payable from the revenues and other available funds and assets of the authority in order to provide funds sufficient to carry out any of its corporate purposes and powers; to authorize the collecting and pledging of revenues and other available funds and assets of the authority for the payment of its bonds, bond anticipation notes and notes and for the cost of operating, maintaining, and repairing its projects or systems; to authorize the execution of trust and security instruments relating to the authority's property in order to secure the payment of its bonds, bond anticipation notes and notes; to provide rights for the holders of its bonds, bond anticipation notes and notes; to provide that none of such evidences of indebtedness shall constitute a debt of the state of Alabama or of any municipal or public corporation thereof except the authority; to make such evidences of indebtedness legal investments and to exempt the same and the income therefrom and interest thereon along with the authority, its income and all property (including filings with respect thereto) from taxation; to exempt the bonds, bond anticipation notes and notes from this state's usury laws; to provide for validation of the authority's contracts and the authority's bonds and notes and the security therefor and to fix the venue and jurisdiction of actions respecting the authority; to exempt the authority from provisions of the public service commission laws, the operation of Alabama Sunset Law and from the competitive bid laws; and to provide for other matters relative to the foregoing.

By Senator Langford (With Substitute):

**S. 412.** To amend Section 12-18-87 of the Code of Alabama 1975, relating to probate judges' retirement benefits, so as to provide further for said probate judges' retirement benefits.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford (With Amendment):

**S. 442.** To provide for indemnity from liability for probate

judges, tax assessors, tax collectors, revenue commissioners and license commissioners resulting from monetary loss as a consequence of good faith errors or honest mistakes made in the performance of their duties, provided that the state auditor or examiners of public accounts certifies that such errors or mistakes were made in good faith, and provided that the indemnity shall not exceed the sum of Five Thousand Dollars (\$5,000) per annum.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Mitchell, Foshee, Lipscomb, deGraffenried, Owens, Denton, Smith (J), Bedsole, Smith (B), Mitchem, Little, Bolling, Dial, and Preuitt:

**S. 538.** Providing for a construction industry craft training program in state-supported vocational, technical and trade schools and other facilities for training potential workers with necessary skills for success in this industry; providing that such program shall be supervised and administered by a board of directors; prescribing the composition, term, duties and authority of such board; imposing a certain surcharge on certain construction industry building permits to finance this program; providing for the collection, administration and disposition of such surcharges; authorizing said board to promulgate and implement administrative rules and procedures to carry out the provisions of this act; and providing that this act shall become effective on October 1, 1991.

By Rep. Freeman:

**H. 109.** To amend Sections 36-7-20 and 36-7-22 of the Code of Alabama 1975 so as to provide for the per diem allowance and mileage allowance for persons traveling on state business.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hale:

**S. 159.** Providing that certain members of the retirement systems of Alabama may purchase credit for certain previous service, not to exceed eight years service, rendered to a county as a county solicitor and prescribing certain conditions for purchasing such credit.

By Rep. Penry:

**H. 396.** To authorize any Class 2, 3, 4, 5, 6, 7 or 8 municipality, operating under a council-manager form of government or under a mayor-council-city manager form of government, to establish a council-manager form of government; to provide for an election for the qualified electorate to continue to operate under the council-manager form of government under this act or to choose the mayor-council form of government pursuant to Section 11-43-1, et seq. of the Code of Alabama 1975, which provides for the operation and administration of such governing body; to provide for the powers, duties and responsibilities and terms of office for each form of government; to prescribe that any annexation and the present boundaries shall continue; to provide that the mayor and council members shall continue in office until the expiration of their current terms; to provide for the composition of the council and the number of single-members districts and for certain municipal officers; to preserve any current civil service or merit system; to provide for the transition of powers, duties and assets of any office, department, board, commission or agency where applicable, as well as the continuation of all contracts, public improvements, ordinances providing for civil or criminal penalties, the proceedings of the municipality, and resolutions; to provide for referendum procedures and the effective date; to provide for fiscal and budgetary matters of the governing body and municipality; to repeal any laws or parts of laws in conflict with this act; and to prescribe criminal penalties for violations.

By Senator Lipscomb:

**S. 347.** To authorize any Class 2, 3, 4, 5, 6, 7 or 8 municipality, operating under a council-manager form of government or under a mayor-council-city manager form of government, to establish a council-manager form of government; to provide for an election for the qualified electorate to continue to operate under the council-manager form of government under this act or to choose the mayor-council form of government pursuant to Section 11-43-1, et seq. of the Code of Alabama 1975, which provides for the operation and administration of such governing body; to provide for the powers, duties and

responsibilities and terms of office for each form of government; to prescribe that any annexation and the present boundaries shall continue; to provide that the mayor and council members shall continue in office until the expiration of their current terms; to provide for the composition of the council and the number of single-member districts and for certain municipal officers; to preserve any current civil service or merit system; to provide for the transition of powers, duties and assets of any office, department, board, commission or agency where applicable, as well as the continuation of all contracts, public improvements, ordinances providing for civil or criminal penalties, the proceedings of the municipality, and resolutions; to provide for referendum procedures and the effective date; to provide for fiscal and budgetary matters of the governing body and municipality; to repeal any laws or parts of laws in conflict with this act; and to prescribe criminal penalties for violations.

By Rep. Haynes:

**H. 325.** To amend Sections 12-17-220 and 36-26-10, Code of Alabama 1975, relating to certain employees within the district attorneys' offices and the State Merit System, so as to provide that assistant district attorneys, investigators, clerical, secretarial and other personnel employed in a district attorney's office serve at the pleasure of the district attorney and are in the exempt service of the state and to provide for its retroactive effect.

By Senator Bedsole:

**S. 496.** To amend Sections 11-98-1, 11-98-2, 11-98-4, 11-98-5 and 11-98-6, Code of Alabama 1975, relating to emergency telephone service, so as to provide further for procedures relating to the creation of communications districts; to prescribe the corporate structure and organization of such districts, including their corporate powers; and to provide that such districts may receive certain property and make certain expenditures.

By Rep. Lindsey:

**H. 314.** To amend Section 11-45-2, Code of Alabama 1975, so as to provide that in all towns and in cities of less than 12,000 population, no ordinance or resolution, intended to be of permanent operation shall be valid unless, on its final passage, a majority of the members elected to the council, including the mayor, shall vote in its favor.

By Senators Campbell, Bennett, Foshee, Bailey, and Wilson:

**S. 436.** To require the reasonable posting of personnel vacancy notices by certain political subdivisions of the state before such personnel positions are to be filled.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Waggoner (With Substitute):

**S. 446.** To amend Section 40-3-26, Code of Alabama 1975, relating to county boards of equalization to provide that county attorneys shall represent the county in appeals to circuit court.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Starkey:

**H. 79.** To amend Section 11-43-80, Code of Alabama 1975, which authorizes a municipal governing body to employ the mayor as superintendent of the municipal utility system, so as to authorize said municipal governing body to establish the mayor's compensation for serving in such position.

By Reps. Gullatt, Higginbotham, and Beasley:

**H. 170.** To amend Section 40-16-6, Code of Alabama 1975, which relates to the payment and distribution of financial institution excise taxes, so as to permit all incorporated municipalities to levy privilege license taxes on financial institutions.

By Reps. Clark (W) and Buskey (JE):

**H. 428.** To amend Section 11-43C-52, Code of Alabama 1975, relating to certain procedures under the mayor-council form of

government for Class 5 municipalities, so as to provide further for the vote to override a line item veto of the mayor.

By Reps. Clark (W) and Buskey (JE):

**H. 429.** To amend Section 11-43C-21, Code of Alabama 1975, relating to the powers of the council under the mayor-council form of government for Class 5 municipalities, so as to provide further that the council shall have the power to appoint certain employees to serve the council.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Holley:

**H. 330.** To authorize the establishment of watershed management authorities; to express legislative intent; to define relevant terms; to specify the purposes of said authorities; to define the land which may be included in an authority; to provide the method for creating an authority; to provide for a hearing prior to creation; to create a board of directors to govern the authority and provide for the method of appointing or electing said board and their successors; to provide for the terms of office of board of directors members and the method of filling vacancies; to provide procedures for the operation of the board of directors; to provide for the reimbursement of expenses incurred by board members; to provide for the powers and duties of the board of directors; to authorize the issuance of bonds; to provide for the discontinuance of an authority and the assumption of assets; to provide for annual audits; to provide officers and employees of the authority shall be subject to the state code of ethics; to authorize full-time employees of the authority to join the employees' retirement system and receive health insurance and other benefits; to provide an authority shall be subject to competitive bid laws and to exempt an authority from certain taxes.

Senator Lindsey, Vice-Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it

was read a second time and placed on the calendar, to-wit:

By Senator Foshee (With Substitute) (With Amendment):

**S. 360.** To establish the Alabama Public Livestock Marketing Business Act; to establish a board to promote the marketing of livestock; and to establish charters for public livestock markets and to fix fees therefor.

Senator Lindsey, Vice-Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hale:

**S. 411.** To amend Section 2-3-22 of the Code of Alabama 1975, which states that the operation of any facility or market constructed under this article shall be under the commissioner of agriculture and industries and that he is empowered to employ personnel in the unclassified service to now allow the commissioner to employ one person in the unclassified service for each market owned, controlled, or managed by the board or department of agriculture and industries.

By Senator Mitchell:

**S. 420.** To amend section 9-11-236, Code of Alabama 1975, relating to the hunting, taking, catching, capturing, or killing of, or the possession of, certain protected birds or animals during closed hunting season, so as to further prohibit the possession thereof; to provide for certain specific prohibitions and penalties relating to hunting, taking, catching, capturing, killing, or the possession of, wild turkey; and to expressly repeal section 9-11-239, Code of Alabama 1975, relating to the hunting, pursuit, capture, or killing of certain wild turkey and deer.

By Senator deGraffenried:

**S. 430.** To amend Section 9-11-236, Code of Alabama 1975, as last amended, relating to the hunting, taking, catching, capturing, or killing of, or the possession of, certain protected birds or animals during closed hunting season, so as to further prohibit the possession thereof; to provide for certain specific prohibitions and penalties relating to hunting, taking, catching, capturing, killing, or the possession of, wild turkey; and to expressly repeal Section 9-11-239, Code of Alabama 1975,

relating to the hunting, pursuit, capture, or killing of certain wild turkey and deer.

By Senator Owens:

**S. 481.** To amend Sections 2-15-66, 2-15-90 and 2-15-93, Code of Alabama 1975, relating to livestock markets, so as to provide further for the purchasing at livestock markets, and to provide further for the permits and bonds of persons who weigh livestock at markets.

Senator Lindsey, Vice-Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Bailey (With Amendment):

**S. 511.** Relating to the licensing and bonding of dealers in agricultural products; to define dealers, products, commissioner, producers, and persons; to exempt certain persons from the provisions of this bill; to require that a dealer in agricultural products be licensed and said license shall cost from \$50 to \$200; to require that dealers be bonded or have a bond equivalent in amounts of not less than \$1,000 to \$50,000; to provide for denying, suspending or revoking a dealer license; to provide for hearing after there has been a denial, suspension or revocation of a license and to also provide for appealing orders rendered pursuant to a hearing; to provide for payment of agricultural products purchased within five days after an accounting or a receipt has been issued; to provide for the keeping of records and for inspection of sale and the inspection of produce purchased; to make the violation of this bill a class "C" misdemeanor and granting the Commissioner the powers of a peace officer in the enforcement of said bill; to provide for injunctive relief; to expressly repeal Chapter 29 of Title 2 providing for the permitting and bonding of farm product commission merchants.

Senator Lindsey, Vice-Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedsole:

**S. 521.** To amend Sections 2-14-1, 2-14-2, 2-14-3, 2-14-4,



2-14-5, 2-14-6, 2-14-9, 2-14-10, 2-14-11, 2-14-12, 2-14-13 and 2-14-14, Code of Alabama 1975, relating to honeybees and apiaries, so as to change the term "infectious and contagious diseases" to "pests"; to provide further for registration fees and to prohibit the introduction of certain honeybees into the state.

By Rep. Powell:

**H. 197.** To amend Section 34-32-9, Code of Alabama 1975, relating to the qualifications for registration as professional soil classifiers, so as to provide further for such qualifications.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Wilson:

**S. 440.** To amend Section 2-6A-1, Code of Alabama 1975, relating to the Farm Crisis and Transition Program, so as to abolish the existing program; to repeal Sections 2-6A-2, 2-6A-3, 2-6A-4, 2-6A-5 and 2-6A-6, Code of Alabama 1975; to provide for the transfer of all personnel, equipment and files from the Farm Crisis and Transition Commission into the Department of Agriculture and Industries; and to allow the Commissioner of Agriculture and Industries to establish a new program and to accept contributions from any public or private source.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Hale:

**S. 510.** To amend Section 37-1-11 of the Code of Alabama 1975, relating to compensation of the public service commissioners, so as to update said code section in order to include current salaries received by such commissioners; to provide for a method of periodically reviewing the salaries of the public service commissioners by the state personnel department; to provide for a recommendation by the personnel department to the governor concerning said commissioners' salaries; to provide for either an approval or disapproval of a salary increase as

determined by the governor; to provide for terminating a \$670.00 per month expense allowance and in lieu thereof increasing the salary of the commissioners \$670.00 per month on different, future effective dates.

Senator Mitchem, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator deGraffenried:

**S. 146.** Relating to all civil actions in tort, contract or otherwise against materialmen who provide labor, material and supplies used in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction of an improvement on or to the real property; to provide for an exception to the bar to relief with respect to actions accruing more than seven years after the substantial completion of construction of an improvement on or to real property where there is a written express warranty or indemnity which by the written terms thereof shall extend beyond the period of seven years; to provide when a cause of action accrues or arises; to provide that this act applies to causes of action which have accrued prior to its effective date; to provide that this act does not create any cause of action against materialmen or any other person; to define terms; and to repeal all conflicting laws.

By Senator deGraffenried:

**S. 342.** To relate to all civil actions in tort, contract or otherwise against architects and engineers, and against builders who construct or perform or manage construction of an improvement on or to real property designed by and constructed under the supervision of, or constructed in accordance with the plans and specifications prepared by, an architect or engineer, arising out of any defect or deficiency in the design, planning, testing, supervision, administration or observation of construction of an improvement on or to real property, or arising out of any defect or deficiency in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a

bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction of an improvement on or to the real property; to provide when a cause of action accrues or arises; to provide that this act does not apply to causes of action which have accrued prior to its effective date; to provide that this act does not create any cause of action against such architects or engineers or builders or any other persons; to exclude causes or rights of action against manufacturers of products; to extend the bar of causes or rights of actions for breach of contract arising out of written express warranties to coincide with the period thereof; and to define terms.

Senator Langford, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford (With Substitute) (With Amendment):

**S. 316.** To authorize municipalities or counties when unincorporated territory is involved to acquire sites, purchase and construct homeless shelters, halfway houses and emergency housing, and affordable single and multi-family dwellings; to receive funds for said use; to sell and issue bonds; to execute mortgages and deeds; to appropriate or lend funds to any public or private not-for-profit corporation created to fund such housing and dwellings; to join other municipalities in the exercise of such powers; to require that all construction authorized pursuant to this act shall be performed by a licensed general contractor; and to require said construction shall be subject to the state competitive bid laws.

Senator Langford, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Holladay:

**H. 311.** To propose an amendment to the Constitution of Alabama of 1901; to authorize the operation of bingo games for prizes or money by certain nonprofit organizations for charitable or educational purposes in St. Clair County and to levy a fee on each bingo card sold and to provide for the distribution of the proceeds of said fee.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Holladay (With Notice and Proof):

**H. 312.** Relating to St. Clair County; to provide for the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational or other lawful purposes; to provide for permits or licenses, applications, forms and contents to operate bingo; to provide for special permits or licenses; to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama of 1901 authorizing bingo in St. Clair County.

By Reps. Newton (D), Curry, Petelos, and Barnes (With Notice and Proof):

**H. 560.** To amend chapter 65 of Title 11 applicable to horse racing in Class 1 municipalities so as to authorize the mayor of the host city and the president or otherwise designated presiding officer of the county commission to appoint deputy racing commissioners having the qualifications of persons eligible to serve as appointed members of the commission, to serve at their pleasure as their deputies on the racing commission authorized by such chapter including, but not limited to, the power to vote at any meeting of the commission or any panel thereof in the absence of their respective appointing officer; to authorize the president or otherwise designated presiding officer of the host county commission, as an alternative, to appoint, for a term, another member of the host county commission to serve in the place of the said president or presiding officer of the host county commission during said term; and to specify the appointment and qualification procedures, the compensation of persons so appointed to serve as racing commission members or deputy members and the right of such persons to be reimbursed for expenses.

Senator Owens, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator Figures (With Amendments):

**S. 399.** To amend Sections 8-19-3, 8-19-5, 8-19-6 and 8-19-8, Code of Alabama 1975, relating to the Deceptive Trade Practices Act, so as to define certain terms and unlawful trade practices; to clarify the unlawful trade practice of odometer tampering and to provide as an unlawful trade practice certain acts relating to promotional giveaways, health spas, career consulting firms, credit repair services and debt adjustment services for a fee; to authorize the attorney general to formulate rules and regulations for enforcing this act; to provide for execution of voluntary compliance agreement; and to provide felony penalties for specific violations.

Senator Owens, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. McDaniel:

**H. 36.** To further amend Section 40-9-12, Code of Alabama, 1975, as last amended so as to provide exemptions of all real and personal property of Alabama Goodwill Industries, Inc., Goodwill Industries of Mobile Area, Inc. and Goodwill Industries of Central Alabama, Inc. from the payment of any and all state, county and municipal taxes, licenses, fees and charges of any nature whatsoever, including any privilege or excise tax heretofore or hereafter levied by the state of Alabama or any county or municipality thereof.

By Senator Owens:

**S. 482.** To amend Sections 2-3-24, 2-19-130, 2-26-71, 2-27-6, 2-27-30, 9-8A-3 and 41-9-243, Code of Alabama 1975, relating to the membership of certain committees, organizations and commissions acting in connection with farmers and agriculture, so as to reflect the change in name of Alabama Farm Bureau Federation to Alabama Farmers Federation; and to ratify and confirm all actions taken under the authority of said sections of the Code of Alabama 1975 by Alabama Farmers Federation or its officers, as the successor to Alabama Farm Bureau Federation.

By Senator Owens:

**S. 485.** To amend Section 6-11-27, Code of Alabama 1975,

relating to the liability of principals for the acts of their agents, employees or servants, so as to provide further for such liability.

Senator Dial, Chairperson of the Standing Committee on Industrial Development and Expansion, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hale:

**S. 474.** To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the payment of additional bonds of the State Industrial Development Authority.

By Reps. Hooper, Clark (J), Freeman, Campbell, Flowers, Parker (T), Cosby, Williams, Higginbotham, Gaines, Curry, Hawkins, Petelos, Newton (D), Sanderson, Gaston, Kvalheim, McMillan, and Clay:

**H. 367.** To authorize the State Industrial Development Authority to sell and issue, from time to time, up to \$100,000,000 in principal amount of its bonds in addition to those heretofore authorized to be issued by it, provided not more than \$10,000,000 in aggregate amount shall be issued in any two-year period and not more than \$40,000,000 in aggregate principal amount shall be outstanding at any one time; to expand certain powers and duties of the Authority, including the power to make grants from the proceeds of the said additional bonds to certain grantees, subject to certain limitations, for the purpose of paying costs of preparation of sites for use by certain enterprises; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of

Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

Senator Bolling, Chairperson of the Standing Committee on Consumer Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Bolling and Barron:

**S. 537.** To authorize licensed pharmacists to refill a prescription for up to a 72-hour supply, when they are unable to readily obtain refill authorization from the prescriber.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Mathis (With Notice and Proof):

**H. 14.** To propose a constitutional amendment relating to Geneva County, providing that the legislature may by local law: 1) require or authorize the county governing body to levy, administer, collect and enforce additional county license taxes and registration fees on motor vehicles; 2) provide for the distribution of the proceeds of said taxes and fees; and 3) provide for certain exemptions.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Flowers (With Notice and Proof):

**H. 417.** Relating to Pike County, to repeal Act 85-609, H. 1006 of the 1985 Regular Session (Acts of 1985, p. 935), which provided an expense allowance for members of the Pike County Commission.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had

acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Barron (With Substitute):

**S. 534.** To authorize certain state instrumentalities or agencies to contract with the State Employees Insurance board to provide certain insurance coverage.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Parker (P) (With Notice and Proof):

**H. 578.** Providing further for the compensation and expense allowances or other benefits of the superintendent of education of Morgan County upon the expiration of the current term of office; repealing conflicting laws or parts of laws; and specifically repealing Act. No. 87-257, H. 183, 1987 Regular Session (Acts 1987, p. 360).

By Rep. Mathis (With Notice and Proof):

**H. 13.** Relating to Geneva County; providing for the mode of establishing the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Geneva County; providing for an advisory referendum called for such purpose; and providing for an effective date.

By Rep. Mathis (With Notice and Proof):

**H. 12.** Relating to Geneva County, to require the county governing body to levy an annual license tax and registration fee on certain motor vehicles; to provide for the collection, administration and enforcement of said tax and fees and the distribution of the proceeds of said tax and fees; to provide for certain exemptions; and to condition the



operation of said act upon the adoption of a local constitutional amendment and approval of this act by the voters at a referendum provided for herein.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Curry and Petelos (With Notice and Proof):

**H. 407.** Relating to Jefferson County; amending Act No. 970, S. 378, 1961 Regular Session, as amended, which provides for the issuance of motor vehicle license plates by mail, so as to increase the fee for such issuance in counties having a population of 600,000 or more according to the last or any subsequent federal census.

By Reps. Newton (D), Petelos, Perdue, and Rogers (F) (With Notice and Proof):

**H. 483.** Relating to the City of Birmingham in Jefferson County; to amend sections 3 and 7 of Act No. 105, H. 24, Third Special Session 1971, (Acts 1971, p. 4325), so as to provide further for the process of weed removal from private property by amending the notice requirements and making optional the collection of the special assessment by the county tax collector.

By Reps. Petelos, Curry, and Newton (D) (With Notice and Proof):

**H. 526.** Relating to Jefferson County; to provide that the Jefferson County commission shall have authority to remove or demolish buildings and structures, or parts thereof, when the same are found by the county commission to be unsafe to the extent of being a public nuisance; to provide for a hearing by the county commission if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment to constitute a lien on said property; to provide methods of collecting such assessments; and to authorize the tax collector to collect such assessments.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favor-

able report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedsole (With Notice and Proof):

**S. 499.** Relating to Mobile County; amending Act No. 87-663, S. 498, 1987 Regular Session (Acts 1987, p. 1172), which provides for the acceptance of certain unimproved roads and regulates the construction of certain other unimproved roads, so as to provide further for the construction of certain roads; and providing additional exemptions thereto.

By Reps. Kvalheim, Zoghby, Rockhold, Harper, Gaston, Buskey (JE), Clark (W), and Box:

**H. 687.** To propose an amendment to the Constitution of 1901, to authorize certain investments of the assets of Class 2 municipality police and fire fighter pension plans.

The above Bill was read a second time at length as required by the Constitution.

#### ADJOURNMENT

At 3:40 P.M., on motion of Senator deGraffenried, in accordance with Motion heretofore adopted, the Senate adjourned until Tuesday, June 18, 1991, at 12 o'clock Noon.

## **TWENTIETH LEGISLATIVE DAY**

**TUESDAY, JUNE 18, 1991**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Paul Hubbard, Pastor, Normandale Baptist Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Douglas Hall, St. Jude Catholic High School.

### **ROLL CALL**

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Little, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Nineteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**JIM PREUITT,**  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Preuitt, the foregoing report was concurred in and approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senators Lipscomb and Mitchell for today.

**JOURNAL**

Senator deGraffenried moved that the Journal of yesterday be adopted by the Senate.

**SENATE RULE 17 INVOKED**

Senator Parsons requested that Senate Rule 17 be invoked for the deGraffenried motion.

**JOURNAL**

Senator deGraffenried offered the following Motion in Writing, to-wit:

**MOTION IN WRITING**

I move that the Journal from the previous legislative day be approved.

**MOTION TO INVOKE SENATE RULE 9**

Senator Corbett moved that Senate Rule 9 be invoked and requested that the Journal of yesterday be read at length.

On motion of Senator deGraffenried said motion was laid on the table.

**JOURNAL**

Senator deGraffenried then moved that the reading of the Journal of yesterday be dispensed with and same adopted by the Senate, which motion was adopted.

**MOTION TO ADJOURN**

Senator Corbett moved that when the Senate adjourns today it adjourn to meet again on Thursday, June 20, 1991, at 10 o'clock A.M.

**SENATE RULE 17 INVOKED**

Senator deGraffenried requested that Senate Rule 17 be invoked for the Corbett motion.

**MOTION TO ADJOURN**

Senator Corbett offered the following Motion in Writing, to-wit:

**MOTION IN WRITING**

I move that upon adjournment today that we agree to reconvene at 10 AM on Thursday, June 20, 1991.

Which was read and referred to the Standing Committee on Rules.

**SPECIAL ORDER**

**UNCONTESTED LOCAL BILLS**

Pursuant to SR 91, set out in the Journal of the Senate for the Nineteenth Legislative Day, the President and Presiding Officer of the Senate instructed the Secretary to call up Uncontested Local Bills.

Senator Foshee registered his contest to all Local Bills.

The President and Presiding Officer of the Senate instructed the Secretary to call the districts for the Introduction of Bills.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Campbell:

**S. 540.** To transfer Bay Field and Danville Field located in Lawrence County from the authority, management and control of the Alabama Aeronautics Commission to the Lawrence County Industrial

Development Board-George C. Wallace Airport Authority.

Committee on Local  
Legislation No. 1

By Senator Campbell:

**S. 541.** To amend Section 2-27-9, Code of Alabama 1975, which provides for the registration of pesticides, so as to raise the registration fee from \$50 to \$100 per product brand.

Committee on Finance  
and Taxation

By Senator Campbell:

**S. 542.** To prohibit the enactment by local governmental units of ordinances, resolutions, or rules controlling the amount of rent charged for leasing private property; and to provide for the retroactive effect of this act.

Committee on Governmental  
Affairs/Local Government

By Senator Campbell:

**S. 543.** To exempt the Department of Alabama Disabled American Veterans, Department of Alabama Disabled American Veterans Auxiliary and their local Chapters and Units from the payment of all state, county and municipal sales and use taxes.

Committee on Finance  
and Taxation

By Senator Campbell:

**S. 544.** To further provide for the budgetary process and bills for appropriations from the general fund and the special education trust fund, so as to require that each appropriation in excess of certain sums be itemized; to provide that any violation shall cause such appropriation to become null and void ab initio.

Committee on Finance  
and Taxation

By Senator Campbell:

**S. 545.** To amend Section 2-27-53, Code of Alabama 1975, which provides for the licensing and examination of persons engaged in the custom application of pesticides, so as to increase the licensing fees.

Committee on Agriculture,  
Conservation, and Forestry

By Senator Hale (With Notice and Proof):

**S. 546.** Relating to Cullman County; abolishing the office of constable and providing an effective date.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 546, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Hale (With Notice and Proof):

**S. 547.** Pertaining to Madison County; to supplement the salaries of the judges of the district court of said county.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 547, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Hale (With Notice and Proof):

**S. 548.** Relating to Cullman County, providing for an advisory referendum for the electors of the city of Cullman regarding the election of the members of the city board of education.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 548, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Hale:

**S. 549.** To amend Sections 41-9-60 and 41-9-62, Code of Alabama 1975, so as to place within the jurisdiction of the Board of Adjustment the filing of claims by persons seeking payment pursuant to court orders which require payment by the state of Alabama of court costs and/or attorneys' fees.

Committee on Governmental  
Affairs/State Administration

By Senator Hale:

**S. 550.** Relating to victims of serious violent crimes; to require written notice to such victims prior to the temporary or conditional release of certain felony inmates; to define certain terms; to provide that a district attorney, the victim or an appropriate law enforcement agency may object to an inmate's release; and to specifically repeal Section 15-18-114, Code of Alabama 1975.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Hale:

**S. 551.** To propose an amendment to the Constitution of Alabama of 1901, to provide that the courts of this state shall not have the power to award court costs or attorneys' fees, or any award in the nature thereof, against the state of Alabama or any of its agencies, commissions, boards, institutions or departments, or any officers or agents thereof, except as may be hereafter provided by general law.

Committee on Constitution  
and Elections

The above Bill was read a first time at length as required by the Constitution.



By Senator Hale (With Notice and Proof):

**S. 552.** Relating to Cullman County; providing for a form for the probate judge to use for petitions or in referendum elections that will distinguish and identify signees and authorizing the probate judge to void any name that fails to include information requested to distinguish and identify the signee.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 552, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Wilson:

**S. 553.** To authorize Alabama Public School and College Authority to sell and issue sixty-five million dollars (\$65,000,000) aggregate principal amount of educational bonds for capital improvements for Alabama Agricultural and Mechanical University, Normal, Alabama, for educational purposes, including libraries, laboratories, physical education facilities, research facilities and acquisition of land; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the

bonds are authorized to be issued; and to provide that if any portion of this act should be held invalid such holding shall not affect the validity of any other portion thereof.

Committee on Industrial  
Development and Expansion

By Senator Wilson:

**S. 554.** Relating to aeronautics and airport safety in this state; to provide for airport zoning and the issuance of permits by the state aeronautics department for structures exceeding federal obstruction standards located near air traffic; to state findings and declarations of the legislature; to define certain terms; to authorize political subdivisions to adopt interim and permanent airport zoning regulations; to provide that the more stringent standards of air safety prevail in a conflict of regulations; to provide for a procedure of notice and hearings by airport zoning commissions pursuant to adoption of airport zoning regulations; to require reasonableness of zoning requirements; to provide for permits and variances by local boards of adjustment; to provide for appeals by aggrieved persons or taxpayers of decisions of zoning boards, the state or political subdivisions regarding airport regulations; to provide for the administration and enforcement of such regulations; to provide for judicial review by aggrieved persons or taxpayers; to provide for the acquisition of air rights by purchase, grant or condemnation; and to provide penalties for violations of the act or regulations adopted pursuant to the act.

Committee on Commerce,  
Transportation, and Utilities

By Senator Wilson:

**S. 555.** Relating to the acquisition, maintenance and protection of lands and water areas in this state having unique ecological systems, plant and animal life, geological formations, wildlife habitats, recreational value and scenic beauty; to establish the Forever Wild Program (the program) for such purposes to be administered by the state conservation and natural resources department (the department); to make certain declarations of purposes and state policies regarding the protection of such lands and waters in this state; to provide definitions of terms regarding the program; to provide for management of the program by the department and to designate categories of lands and waters to be acquired; to provide for the establishment of the Alabama Forever Wild

Board (the board), its membership, and terms of office; to provide for the rights, powers, duties and responsibilities of the board; to establish the Alabama Forever Wild Advisory Committee, its membership, selection process, terms of office, vacancies, recommending organizations, meetings, rights, powers, duties and responsibilities; to establish the Forever Wild Trust Fund (the trust fund) to receive revenue generated to the fund and to provide for tax exemptions for donated lands or waters; to provide for a stewardship program for the maintenance of acquired lands and waters of the program; to provide for enforceability of conservation restrictions, recordation and the acquisition and disposal of interests in lands and waters acquired in the program; to provide for an Alabama Natural Heritage Program as part of the lands division of the department; and to provide for the dedication of natural area preserves.

Committee on Constitution  
and Elections

By Senator Wilson:

**S. 556.** To amend Sections 34-27-8, 34-27-32, 34-27-33, 34-27-34, 34-27-35 and 34-27-36 of the Code of Alabama 1975, relating to real estate brokers so as to provide further that a quorum consisting of a majority of the commission members may act and to require agency disclosure in each offer to purchase; to amend licensing requirements to add 15 hours to the prelicense course and to comply with federal court order; to provide for forfeiture of entire exam fee on failure to appear; to expand further the time allowed an applicant after passing the exam to have his license issued; to delete license transfers during September of the final year of a license period; to provide further that real estate licenses reflect license registration requirements and to clarify further renewal and issuance of inactive licenses; to remove continuing education exemption for those over 65; to remove requirement of refresher course; and to provide further for disciplinary action.

Committee on Banking  
and Insurance

By Senator Wilson:

**S. 557.** Relating to sentencing and restitution court orders, so as to provide further therefor; providing that in any conviction related to alcohol or drug abuse or trafficking and in which the court orders restitution, if authorized by local law the judge may order and allocate a

reasonable sum of such restitution to any county sheriff's office for additional funding of such office through the sheriff's pistol permit fee fund; to prescribe that the provisions of this act shall be construed in pari materia with all laws relating to sentencing and restitution; and to prescribe an effective date.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Bolling:

**S. 558.** To amend Sections 24-5-31, 24-5-32 and 24-5-33 of the Code of Alabama 1975, relating to anchoring of mobile homes and manufactured buildings so as to provide further for anchoring such structures; and to provide further for penalties for violations.

Committee on Consumer Affairs

By Senator Bolling:

**S. 559.** To amend Sections 24-6-3 and 24-6-4, Code of Alabama 1975, relating to the Alabama Manufactured Housing Commission, so as to further provide for the duties and remuneration of the commission; and to provide that no commissioner shall be liable for damages resulting from any act performed in carrying out his duties as a commissioner.

Committee on Consumer Affairs

By Senator Bolling (With Notice and Proof):

**S. 560.** Relating to Marion County; to amend Section 4 of Act No. 80-128, 1980 Regular Session, so as to provide further for the disposition of the proceeds from the sale of county property.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 560, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

**POINT OF ORDER**

Senator Denton moved that the Rules be suspended to allow the introduction of his bills later in the day.

Senator Amari offered a substitute motion to suspend the Rules to allow any Senator to introduce bills at any time during this legislative day.

There being no objections, the President and Presiding Officer of the Senate granted the substitute motion.

**INTRODUCTION OF BILLS RESUMED**

By Senator Bolling (With Notice and Proof):

**S. 561.** Relating to Lamar County, providing further for the distribution of certain funds to the Lamar County Water Authority and to rescue squads and certified fire departments.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 561, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Bolling (With Notice and Proof):

**S. 562.** Relating to Fayette County; to designate and fix the boundaries of an area in Fayette County to be known as The Tom Bevell Reservoir Management Area; to provide for and authorize the incorporation of a public corporation as a political subdivision of the state to be named The Tom Bevell Reservoir Management Area Authority for the development of that portion of North River in Fayette County and within the boundaries of The Tom Bevell Reservoir Management Area as created and defined by this act, its tributaries and watershed area, for the purposes of water conservation and supply, dam construction and reservoir development, for industrial development, flood control, navigation, irrigation, public recreation and related purposes; to provide for the composition of the board of directors of the authority; to specify the powers and duties of the authority and its board of directors; to authorize the authority to investigate the resources of The Tom Bevell

Reservoir Management Area, to determine and implement the requirements for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective; to authorize the authority to acquire land and interests in land by purchase, construction, lease, condemnation or otherwise, and to hold, manage and sell such land and interests therein; to make provisions respecting the establishment and revision of rates, fees and charges for services rendered by the authority; to provide for the issuance by the authority for any of its corporate purposes of interest-bearing revenue bonds and notes payable solely out of the revenues of the authority or out of the revenues of any particular facilities and other property of the authority, without regard to the specific facilities and other property with respect to which such bonds and notes may have been issued; to provide that such bonds and notes shall constitute negotiable instruments; to provide that such bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the authority for the proper application of its revenues and the proceeds of such bonds and notes and by a nonforeclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which such bonds and notes are payable, and to provide that bonds and notes of the authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by the authority of obligations respecting facilities and other property acquired by the authority; to provide for the use of the proceeds of bonds and notes issued by the authority; to provide for the refunding by the issuance of bonds and notes of the authority, of bonds and notes theretofore issued or obligations theretofore assumed by it; to provide that bonds and notes issued and contracts entered into by the authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or other political subdivision of the state; to authorize the Fayette County commission and the municipalities located therein to contribute money to the authority, without the necessity of an election and with or without consideration therefor; to exempt from all taxation in this state, the authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the authority is a party, and to exempt the authority from payment of certain charges to judges of probate; to grant to the authority the power to levy and collect within the boundaries of the management area certain excise taxes, sales taxes, and ad valorem taxes; to provide that the authority shall have zoning power within the boundaries of the management area; to provide that the authority shall be exempted from regulation and supervision by the public service commission and the state department of

finance; to provide for the use of public roads in the state by the authority; and to provide for certain annual reports by the authority.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 562, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Bolling:

S. 563. To amend Rule 14.4 of the Alabama Rules of Criminal Procedure relating to the acceptance of a guilty plea from a defendant, so as to delete the requirement of execution of a form explaining the defendant's rights in misdemeanor and violation cases.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Bolling (With Notice and Proof):

S. 564. Relating to Lamar County, providing further for the distribution of certain funds to the Lamar County Water Authority and to rescue squads and certified fire departments.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 564, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Bolling:

S. 565. To facilitate vehicular traffic and safety in the state by providing for the establishment and incorporation of "West Alabama Toll Road Authority" and providing for it to finance, purchase, construct and operate a certain four-lane toll road down the western side of the state; providing that construction of the toll road shall be done on the basis of

force account and that the construction work shall be done by convict labor; defining further its powers and duties; authorizing the issuance of revenue bonds payable from tolls and other revenues to pay the cost of such toll road project; providing that no debt of the state shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls and other revenues for the payment of such bonds and for the cost of maintenance, operation and repair of such toll road project; making such bonds exempt from taxation and constituting them legal investments in certain instances; prescribing conditions upon which such toll road project shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the state to cooperate with the authority; authorizing the issuance of revenue refunding bonds; making an appropriation to pay initial expenses and providing for the repayment thereof; and prescribing penalties.

Committee on Industrial  
Development and Expansion

By Senator Bolling:

**S. 566.** To propose an amendment to the Constitution of Alabama of 1901 to authorize in Fayette County the incorporation of The Tom Bevill Reservoir Management Area Authority for the purposes of water conservation and supply, dam construction and reservoir development, for industrial development, flood control, navigation, irrigation, public recreation and related purposes.

Committee on Local  
Legislation No. 1

The above Bill was read a first time at length as required by the Constitution.

By Senator Smith (B):

**S. 567.** Relating to the collection of health care data in this state; to require the creation of a health data collection system in the State of Alabama, to collect, upgrade and make available certain health care data to individuals and others; to authorize the State Health Planning Agency to implement the provisions of this act; to provide for collection methods; to create and provide for the membership and to establish duties of a data advisory board; to authorize the funding and provide for an appropriation; to assure confidentiality of individual



medical patients; and to provide for penalties for failure to comply with the submission of data required by this act.

Committee on Health

By Senator Barron (With Notice and Proof):

**S. 568.** Providing for the maintenance of a public law library in DeKalb County through imposition of a certain library fee attached to certain court costs; providing for the management of such library; and providing for disposition of funds from such fees.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 568, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Barron (With Notice and Proof):

**S. 569.** To amend Section 7 of Act No. 444, H. 986 of the 1961 Regular Session (Acts 1961, p. 482), which provided further for the DeKalb County Commission, so as to provide further for meetings of such commission.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 569, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Barron (With Notice and Proof):

**S. 570.** To repeal Act No. 144, H. 557 of the 1973 Regular Session (Acts 1973, p. 174), entitled "An Act Relating to DeKalb County; abolishing the position of county license inspector; placing the powers, duties and functions of said office in the sheriff of said county; providing for the disposition of fees accruing from the performance of the duties of license inspector and repealing conflicting laws."

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 570, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Barron (With Notice and Proof):

**S. 571.** To amend Section 1 of Act No. 81-582, 1981 Regular Session, (Acts 1981, p. 969), which fixes the fee for issuance of a pistol permit in DeKalb County, so as to provide further for such fee.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 571, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Barron (With Notice and Proof):

**S. 572.** Relating to DeKalb County; authorizing certain county officials to use mechanical or facsimile devices for signatures on warrants or checks drawn on the county treasury or depository.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 572, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Barron (With Notice and Proof):

**S. 573.** Relating to Dekalb County; authorizing and requiring the county commission to redefine the several county commission districts within the county decennially so that such redefined districts will reapportion the population in such districts within a prescribed tolerance; providing that the county commission shall preclear such reapportionment plans with the United States Department of Justice and providing that the county commission shall implement such precleared

commission district reapportionment plan based on the 1990 decennial census no later than one year from the effective date of this act.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 573, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Barron:

**S. 574.** To propose an amendment to the Constitution of Alabama, 1901, as amended, so as to limit total appropriations from the state treasury in any fiscal year to the revenue collected for the fiscal year that ended one year prior to the commencement of the fiscal year for which said appropriations are being made; to provide for supplemental appropriations during special sessions; and to provide for appropriations of revenue-raising measures.

Committee on Finance  
and Taxation

The above Bill was read a first time at length as required by the Constitution.

By Senator Parsons (With Notice and Proof):

**S. 575.** To amend Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), which relates to the City of Birmingham Retirement and Relief System, so as to provide a means of withdrawal for the Jefferson County Board of Health's active, retired and vested employees, or designated survivors, if applicable, from the City of Birmingham Retirement and Relief System; to provide a means for such board employees to become members of the Employees' Retirement System of Alabama; to provide for the termination of the applicability of Article IX, Section 2 of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), as said provisions may apply to Board of Health employees who become members of the State Retirement System and to provide for transfer of funds between such retirement systems.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 575, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Ellis:

**S. 576.** Relating to Billiard or Pool Rooms; to amend Section 34-6-12 of the Code of Alabama 1975, so as to remove the prohibition against the sale of intoxicating liquors.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Dial:

**S. 577.** To amend Sections 34-4-6, 34-4-20, 34-4-21, 34-4-27, 34-4-29, 34-4-30, 34-4-31, 34-4-50 and 34-4-53, Code of Alabama 1975, relating to the Alabama Auctioneers License Act, so as to provide further for the license fees, the issuance of licenses by the Alabama Real Estate Commission, identification numbers for license certificates, the board's powers of revocation and suspension, the authority of the board to employ certain persons, and the compensation of the members of the board.

Committee on Finance  
and Taxation

By Senators Dial and Bailey:

**S. 578.** To create "The Tractor, Farm Equipment, Lawn and Garden and Light Industrial Equipment Franchise Act" in order to provide for the fair regulation of tractor, farm equipment, lawn and garden and light industrial equipment manufacturers, distributors, wholesalers, dealers, and their representatives; to provide for the regulation of dealings and transactions between manufacturers and distributors or wholesalers and their dealers; to prohibit unfair and deceptive trade practices; to protect the freedom to contract; to prescribe remedies for violations of the provisions of the act; and to repeal Section 8-21-1 through 8-21-14, Code of Alabama 1975.

Committee on Agriculture,  
Conservation, and Forestry

By Senator Lindsey:

**S. 579.** To amend Sections 28-2A-1, 28-2A-3 and 28-2A-4 of the Code of Alabama 1975, relating to elections as to sale and distribution of alcoholic beverages within municipalities, so as to provide further for such elections.

Committee on Economic Affairs

By Senator Ghee (With Notice and Proof):

**S. 580.** Relating to Calhoun County; to relieve the judge of probate from charging a fee when celebrating the rites of matrimony; and to provide that any such fee when charged by the judge of probate may be retained by him.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 580, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Horn:

**S. 581.** To amend sections 40-23-36 and 40-23-77, Code of Alabama 1975, so as to reduce the discounts allowed to sellers or vendors who make payments of the taxes imposed by sections 40-23-1 through 40-23-38, 40-23-100 through 40-23-110 and 40-23-60 through 40-23-88 before delinquency.

Committee on Finance  
and Taxation

By Senator Ellis:

**S. 582.** To prohibit the removing of library materials without authorization; to prohibit the retaining of library materials without authorization; to prohibit the willful mutilation of library materials; and to prescribe penalties for violations of the provisions of this act.

Committee on Judiciary/Civil

By Senator Lindsey (With Notice and Proof):

**S. 583.** Relating to Washington County; providing further for an expense allowance for members of the County Commission.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 583, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Lindsey, Floyd, Corbett, Ghee, Wilson, Parsons, Campbell, and Langford:

**S. 584.** To propose an Amendment to Article I, Section 11 of the Constitution of Alabama of 1901, so as to provide further for the right to trial by jury.

Committee on Constitution  
and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senator Lindsey:

**S. 585.** To amend Sections 9-4-11 and 9-4-12, Code of Alabama 1975, so as to provide the state geological survey with the authority to enter into agreements with the United States geological survey and other federal agencies in the execution of cooperative geologic surveys, including oil and gas assessments, of the State of Alabama.

Committee on Economic Affairs

By Senator Denton:

**S. 586.** To establish the "Alabama Pawnshop Act"; to provide for certain definitions; to provide for the legal rate of interest and pawnshop charge which may be charged by a pawnbroker; to provide for exceptions; to provide that amounts in excess of the legal interest rate

and pawnshop charge shall be uncollectible and shall void the pawn transaction; to provide for dates of payment; to provide for prohibited acts by pawnbrokers; to provide for the duties of pawnbrokers; to provide for inspection by certain law enforcement officers; to provide for liens for pawnbrokers; to provide for the redemption or automatic forfeiture of pledged goods; to provide for the satisfaction of liens of pawnbrokers; and to repeal sections 8-1-80 through 8-1-84, Code of Alabama 1975.

Committee on Governmental  
Affairs/Local Government

By Senator Denton:

S. 587. To amend Section 8-17-217, Code of Alabama 1975, relating to permissible fireworks, to exclude bottle rockets specifically from the definition of fireworks that may be sold within the state by establishing minimum size requirements for sky rockets, but to provide that such devices may be stored by licensed manufacturers, distributors and wholesalers within the state for sale outside the state, and to provide for an effective date.

Committee on Small Business

By Senator Windom:

S. 588. To establish and provide for the administration, operation and enforcement of the Restitution Recovery Fund within the office of each district attorney; to provide notice, judicial hearings and determinations; to provide for revocation of probation or imposition of sentence in certain cases of nonpayment of restitution; to provide for certain criminal penalties and exceptions.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Ellis:

S. 589. To provide for the safety of life, limb and property by creating the board of boiler and pressure vessel rules to serve without salary and to formulate and promulgate rules and regulations for the safe construction, installation, inspection, maintenance and repair of boilers and pressure vessels, nuclear power systems and power and process piping systems; to provide for the enforcement of the rules and regulations promulgated by the board of boiler and pressure vessel rules; to provide for the examination and appointment of boiler and pressure

vessel inspectors; to provide for the inspection of boilers and pressure vessels, fees to be charged thereof, and the reports to be made thereof; to provide for inspection certificates; to provide for appeals; to provide an appropriation to carry out the provisions of this act; to provide for exclusive jurisdiction by the state; and to provide a penalty for the violation of the provisions of this act.

Committee on Small Business

By Senator Mitchem:

**S. 590.** To repeal Section 40-17-174, Code of Alabama 1975, as amended, relating to the taxation on certain selling of illuminating, lubricating or fuel oils at wholesale.

Committee on Finance  
and Taxation

By Senator Mitchem:

**S. 591.** To allow members of the United States Armed Forces Reserves to purchase distinctive motor vehicle license plates and provides for the preparation and issuance of such plates and for fees.

Committee on Business and Labor  
Relations

By Senator Horn:

**S. 592.** To amend Section 22-21-291, Code of Alabama 1975, the Alabama Health Care Responsibility Act, so as to confirm the legislative intent that the medical treatment costs imposed on a county are only those costs incurred at a regional referral hospital located in another county.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 593.** To make an appropriation from the Alabama Special Educational Trust Fund to the Blackbelt Human Resources, for the fiscal year 1991-92 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation



By Senator Horn:

**S. 594.** To appropriate from the agricultural fund for the fiscal year ending September 30, 1991, the sum of \$250,000 for use by the Department of Agriculture and Industries.

Committee on Finance  
and Taxation

By Senators Dial, Corbett, Foshee, Mitchem, Bedsole, Owens, Mitchell, Amari, Bennett, Hilliard, Lindsey, and Parsons:

**S. 595.** To amend Sections 34-22-1, 34-22-2, 34-22-6, 34-22-20, 34-22-23 and 34-22-42, Code of Alabama 1975, all of which relate to the regulation of practice of optometry, so as to further define the practice of optometry; to extend the objects and purposes of the chapter; to further enumerate certain unlawful acts; to provide further for examination and qualification of applicants; to provide further grounds for revocation and suspension; to provide for additional powers and duties of board; and to provide further for the practice of optometry.

Committee on Health

By Senator Corbett:

**S. 596.** To amend Section 34-8-1, Code of Alabama 1975, which provides for the definition of the term "general contractor," so as to provide further for such definition.

Committee on Economic Affairs

By Senators Bennett and Parsons (With Notice and Proof):

**S. 597.** Relating to Jefferson County, to provide for the election procedures of the members of the city of Fairfield city council, by single-member districts and one at-large member in addition to the mayor; to further provide for the residency qualifications for such councilmen and the manner of filling a vacancy; to require certification of any ordinance together with a map or plat of the district boundaries and the filing of such documents by the city clerk in the office of the judge of probate; to provide for the organization of the city council and the powers to be vested therein and/or to be exercised by such council;

and to repeal conflicting laws.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 597, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Bennett and Hale:

**S. 598.** To establish and provide for the "Tuition Guaranty Fund" in the state treasury; to reimburse students or entities which make loans to students of certain proprietary (for profit) postsecondary educational institutions which close prior to earning the tuition collected from their students; to provide for a board of directors to administer such fund; to provide for funding such fund; and to provide certain guidelines for use of the monies in the fund.

Committee on Finance  
and Taxation

By Senator Bennett:

**S. 599.** To amend Section 9-14-29, Code of Alabama 1975, relating to the applicability of the provisions of Article 2 of Chapter 14 of Title 9 of the Code of Alabama 1975, so as to add an exemption for concession operations receiving gross receipts of \$100,000.00 or less annually.

Committee on Finance  
and Taxation

By Senator Bedsole:

**S. 600.** To amend Sections 15-23-3, 15-23-4 and 15-23-17, relating to the Crime Victims Compensation Commission, so as to provide further for the name of the commission and to provide further for crime victim costs and assessments in various cases.

Committee on Finance  
and Taxation

By Senators Horn and Foshee:

**S. 601.** To amend Section 41-22-27, Code of Alabama 1975, relating to the Administrative Procedure Act, so as to provide that the Alabama department of environmental management shall fully comply with the provisions of the act.

Committee on Judiciary/Civil

By Senator Horn:

**S. 602.** To amend Section 16-11-2 of the Code of Alabama 1975, relating to city boards of education so as to provide further for election of said boards under authority of a local law and to provide further for members of said boards.

Committee on Governmental  
Affairs/Local Government

By Senator Owens:

**S. 603.** To provide for the establishing of a worthless check unit in any judicial circuit, where such a unit has not been established by the district attorney, by authorizing the attorney general to establish such a unit therein as a division of his office.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senators Owens, Horn, Ellis, Amari, Campbell, Wilson, Waggoner, Bennett, and deGraffenried:

**S. 604.** To amend Section 16-54-18, Code of Alabama 1975, relating to the University of Montevallo and certain endowment funds, so as to provide further for the transfer to said funds.

Committee on Finance  
and Taxation

By Senator Owens:

**S. 605.** To repeal Sections 2-15-40, 2-15-41, 2-15-42, 2-15-43, 2-15-45, 2-15-46 and 2-15-47, Code of Alabama 1975, relating to the regulation of dealers in livestock for purposes of resale, market or

slaughter.

Committee on Agriculture,  
Conservation, and Forestry

By Senators Bennett and Ghee:

**S. 606.** To amend sections 17-22A-2, 17-22A-3, 17-22A-4, 17-22A-5, 17-22A-6, 17-22A-7, 17-22A-8, 17-22A-10, 17-22A-12, 17-22A-15, 17-22A-16, 17-22A-17, 17-22A-18, 17-22A-20, 17-22A-21, and 17-22A-22, Code of Alabama 1975, relating to the Fair Campaign Practices Act, so as to define further certain terms, to prohibit the solicitation or acceptance of contributions during certain periods, to provide further for the duties and responsibilities of the treasurers of political committees, to provide for fines for failing to file certain statements, to provide further for filings by political committees and principal campaign committees along with annual registration fees, to require certain annual reports of state candidates, to regulate further political advertising, and to provide further for penalties for violations.

Committee on Constitution  
and Elections

By Senator Owens (With Notice and Proof):

**S. 607.** Relating to Chilton County; to provide that the probate judge shall provide for an additional method of ordering annual certificates of registration of boats by mail; to provide that the probate judge shall charge an additional fee to the boat owner for each such certificate issued by mail, and to provide for the disposition of such fees.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 607, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Bolling:

**S. 608.** Relating to Franklin County; authorizing the County Commission to construct and maintain driveways for schools, churches

and church owned cemeteries, and school bus turnarounds located within the county at county expense and to provide normal maintenance at county expense on any gravel road or driveway leading from a public road to the residence of an abutting landowner.

Committee on Local  
Legislation No. 1

By Senator Langford:

**S. 609.** To amend Section 17-4-156, Code of Alabama 1975, relating to the working days of the county boards of registrars, so as to provide further for the maximum number of said days.

Committee on Governmental  
Affairs/Local Government

By Senator Owens:

**S. 610.** To amend Section 37-3-4, Code of Alabama 1975, which provides for certain exemptions from regulation by the Public Service Commission, so as to provide further for such exemptions.

Committee on Commerce,  
Transportation, and Utilities

By Senator Floyd:

**S. 611.** To establish reduction in force policies for certain public education institutions not having such policies.

Committee on Business and Labor  
Relations

By Senator Owens:

**S. 612.** To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal period beginning October 1, 1991 and ending June 30, 1992.

Committee on Finance  
and Taxation

By Senator Owens:

**S. 613.** To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal period beginning October 1, 1991 and ending June 30, 1992.

Committee on Finance  
and Taxation

By Senator Little:

**S. 614.** To amend Sections 36-25-1, 36-25-2, 36-25-4, 36-25-5, 36-25-6, 36-25-7, 36-25-10, 36-25-12, 36-25-13, 36-25-15, 36-25-18 and 36-25-27, Code of Alabama 1975, relating to the ethics law, so as to add certain definitions and redefine others; to change reference to elected officials and government employees to public officials and public employees to be consistent throughout the ethics law; to permit the Alabama ethics commission to investigate on its own initiative; to grant subpoena power to the commission; to permit the commission to employ a full-time attorney with statewide prosecutorial powers; to remove the prohibition against investigating anonymous complaints with certain safeguards; to add additional standards of conduct; to prohibit legislators from representing the state, county or municipalities or instrumentalities thereof in their districts; to prohibit representation of clients for a fee before quasi-judicial boards or commissions, governmental regulatory agencies or executive departments or agencies by public officials and public employees, family members or businesses thereof; to prohibit regulatory officials and employees and families thereof from accepting anything of value; to prohibit former state officials and employees from serving for fees as lobbyists or before agencies where they have previously served for two years after departure; to provide for removal of names of candidates from ballots; to provide for annual registration of lobbyists as well as an annual registration fee; to authorize the commission to assess a civil penalty for failure to file a correct, timely statement of economic interests; and to provide further for the statute of limitations for violations.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Langford:

**S. 615.** To provide a uniform time for the opening and closing

of polls at all public elections in his state; repealing Section 17-7-5.1, Code of Alabama 1975.

Committee on Constitution  
and Elections

By Senator Little:

**S. 616.** To establish the "Alabama Child Nutrition Law"; to provide that each board of education shall establish school breakfast and lunch programs beginning with the 1993-94 school year; to authorize that the state board of education shall promulgate rules and regulations for the compliance of this act; and to provide for enforcement and the imposition of sanctions by the state superintendent of education.

Committee on Finance  
and Taxation

By Senator Langford:

**S. 617.** To amend section 17-6-13, Code of Alabama 1975, relating to the compensation of election officers, so as to increase said compensation.

Committee on Constitution  
and Elections

By Senator Langford:

**S. 618.** To amend Section 2-27-10, Code of Alabama 1975, which provides for the licensing of restricted-use pesticide sellers and dealers, so as to raise the annual license.

Committee on Finance  
and Taxation

By Senator Lipscomb:

**S. 619.** To make a conditional appropriation from the state general fund for the sum of fifty thousand dollars (\$50,000) to the District Attorney of the 28th Judicial Circuit for the fiscal year ending September 30, 1992.

Committee on Finance  
and Taxation

By Senator Corbett:

**S. 620.** To amend Section 32-5-240 of the Code of Alabama 1975, relating to lighting equipment on vehicles, so as to require vehicles other than passenger cars, motorcycles and motor-driven cycles to display lighted lamps at all times and to provide certain exception.

Committee on Judiciary/Civil

By Senator Figures (With Notice and Proof):

**S. 621.** Relating to Mobile County; to repeal Act No. 710, H. 1102, 1976 Regular Session (Acts 1976, p. 990-991) and Act No. 80-797, S. 610, 1980 Regular Session (Acts 1980, p. 1630-1631) providing for minimum compensation for deputy sheriffs in Mobile County and to provide that such deputy sheriffs receive the same across-the-board pay raises and merit increases afforded to all other Mobile County employees.

Committee on Local  
Legislation No. 3

I hereby certify that the notice and proof is attached to the Bill, SB 621, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Figures (With Notice and Proof):

**S. 622.** Relating to Mobile County; providing for the compensation and payment of additional salary for members of the county governing body, and further providing that all expense allowance shall be deemed to constitute salary compensation, effective upon the next term of office.

Committee on Local  
Legislation No. 3

I hereby certify that the notice and proof is attached to the Bill, SB 622, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.



By Senator Corbett:

**S. 623.** To amend Sections 34-27-8, 34-27-31, 34-27-32, 34-27-33, 34-27-34, 34-27-35 and 34-27-36 of the Code of Alabama 1975, relating to real estate brokers so as to provide further that a quorum consisting of a majority of the commission members may act and to require agency disclosure in each offer to purchase; to provide further for fees; to amend licensing requirements to add 15 hours to the prelicense course and to comply with federal court order; to provide for forfeiture of entire exam fee on failure to appear; to expand further the time allowed an applicant after passing the exam to have his license issued; to delete license transfers during September of the final year of a license period; to provide further that real estate licenses reflect license registration requirements and to clarify further renewal and issuance of inactive licenses; to remove requirement of refresher course; and to provide further for disciplinary action.

Committee on Business and Labor  
Relations

By Senator Lipscomb:

**S. 624.** To levy additional court costs in all divorce cases; to provide that the resulting funds shall be used in certain programs.

Committee on Finance  
and Taxation

By Senators Lipscomb and Ellis:

**S. 625.** To establish and provide for the administration, operation and enforcement of the Restitution Recovery Fund within the office of each district attorney; to provide notice, judicial hearings and determinations; to provide for revocation of probation or imposition of sentence in certain cases of nonpayment of restitution; to provide for certain criminal penalties and exceptions.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Bedsole (With Notice and Proof):

**S. 626.** Relating to Mobile County; to provide the county treasurer an annual county salary of \$35,500.00, effective upon the

expiration of the current term of office which, when effective, shall constitute the total compensation payable by the county to said official, in lieu of any other local salary, expense allowance, per diem or other compensation previously provided by law to said official.

Committee on Local  
Legislation No. 3

I hereby certify that the notice and proof is attached to the Bill, SB 626, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Windom:

**S. 627.** Relating to persons doing business as a pawnbroker or flea market operator in this state, so as to require that certain records of their business operations be kept and be available for inspection by the sheriff; to require buyers to keep records; and to provide for penalties for violations.

Committee on Small Business

By Senator Bedsole:

**S. 628.** To amend Section 11-50-342 of the Code of Alabama 1975, relating to the membership of the board of water and sewer commissioners so as to provide further for an increase in said membership.

Committee on Governmental  
Affairs/State Administration

By Senator Bedsole (With Notice and Proof):

**S. 629.** Relating to Class 2 municipalities and the payment of assessments to a municipality for local improvements, so as to provide further for payment of said assessment; and to provide for payment in installments of principal amounts in excess of \$1,000.00, which shall bear interest.

Committee on Local  
Legislation No. 3

I hereby certify that the notice and proof is attached to the Bill, SB 629, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Smith (J):

**S. 630.** To amend Section 36-25-4, Code of Alabama 1975, relating to the Ethics Commission, so as to authorize the commission to issue subpoenas.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Corbett:

**S. 631.** Relating to drug treatment and prevention; providing for "The Mandatory Treatment Act of 1990"; to give certain persons arrested for possession of controlled substances the option of completing a drug treatment program or being prosecuted and to require any felon who is placed on probation or who is paroled to be tested for drugs; amending sections 12-19-171 and 12-19-174 through 12-19-178, Code of Alabama 1975, relating to docket fees in juvenile and criminal cases in circuit and district courts, so as to increase the amounts of docket fees for misdemeanors and felonies and to provide for the distribution of the additional revenue collected to be used to finance the drug treatment program for indigents as provided for by this act; and amending section 40-17A-15, Code of Alabama 1975, relating to disposition of the revenue collected under the drugs and controlled substances excise tax, so as to provide for distribution of this revenue to be used for drug abuse treatment and drug testing.

WHEREAS, the state of Alabama currently spends \$.56 per person on drug treatment and prevention programs compared to an average of \$2.48 in the southeastern states and \$4.16 nationwide; and

WHEREAS, 75 percent of the inmates who were given urine tests at the City of Birmingham jails since July 1988 have had drugs in their systems at the time of their arrest; and

WHEREAS, 34 percent of high school seniors in this country abuse drugs regularly; and

WHEREAS, the leading causes of death among adolescents in the United States are violence and accidents associated with drug abuse or alcohol; and

WHEREAS, according to the United States Drug Enforcement Administration in 1988, Alabama ranked ninth in the nation in marihuana seizures, 12th in heroin seizures and 28th in cocaine seizures; now therefore,

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Parsons:

**S. 632.** To amend Sections 8-19-3, 8-19-5, 8-19-6 and 8-19-8, Code of Alabama 1975, relating to the Deceptive Trade Practices Act, so as to define certain terms and unlawful trade practices; to clarify the unlawful trade practice of odometer tampering and to provide as an unlawful trade practice certain acts relating to promotional giveaways, health spas, career consulting firms, credit repair services and debt adjustment services for a fee; to authorize the attorney general to formulate rules and regulations for enforcing this act; to provide for execution of voluntary compliance agreement; and to provide felony penalties for specific violations.

Committee on Small Business

By Senator Corbett:

**S. 633.** To repeal Sections 13A-12-150 through 13A-12-159 and Sections 13A-12-170 through 13A-12-179, Code of Alabama 1975; to provide definitions; to define and prohibit the production of, the distribution of, the possession with intent to distribute, and the offer or agreement to produce or distribute sexually deviant material and to non-consenting adults obscene material for any thing of pecuniary value; to define and prohibit the public dissemination of obscene material to non-consenting adults; to define and prohibit the distribution to a minor, the offer or agreement to distribute to a minor, and the display for sale of any material which is harmful to minors; to provide for misdemeanor and felony criminal penalties; to provide for affirmative defenses; to provide for extradition; to provide for the preventing or enjoining by the circuit courts of any violation of this Act; to provide for preliminary and permanent injunctions and for certain immunities and further to provide that no bond shall be required of the official bringing the action; to

provide for the forfeiture and disposition of all sexually deviant material, obscene material disseminated publicly to a non-consenting adult, and material which is harmful to minors used, intended to be used, or obtained in violation of the provisions of this Act; to provide for the forfeiture and disposition of moneys, negotiable instruments, and funds used, intended to be used, or obtained in any violation of the provisions of this Act; to provide for the forfeiture and disposition of proceeds or receipts derived from property which is subject to forfeiture pursuant to the provisions of this Act; to provide for the forfeiture of a money judgment amount in lieu of certain property subject to forfeiture; to provide that the Alabama Red Light Abatement Act and Sections 13A-12-190 through 13A-12-198, Code of Alabama 1975, which pertain to obscene materials displaying or depicting children, shall not be repealed, amended, affected, or limited; to provide that city and county ordinances not in conflict with the provisions of this act shall not be repealed by implication; to exclude certain libraries and employees and agents of such libraries from the criminal penalties of this Act; to provide for the punishment under previously existing law of offenses committed prior to the effective date; and to provide for severability and for an effective date.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Corbett:

**S. 634.** To provide for graduated penalties for using oversized commercial shrimp trawls; to provide for proof of residency prior to the issuance of licenses pursuant to Chapter 12, Title 9, Code of Alabama 1975, and penalties for violations; to provide further for the taking of certain crabs; to amend Section 9-12-54.6, Code of Alabama 1975, so as to provide further for certain bait shrimping in Baldwin and Mobile Counties; to amend Section 9-12-93, Code of Alabama 1975, so as to provide further for the taking of shrimp without an annual license; to amend Section 9-12-115, Code of Alabama 1975, relating to certain reports of certain saltwater fish dealers, so as to provide for and require the monthly reporting by seafood dealers, by the 10th of each month, of each species of saltwater fishery products purchased from commercial fishermen; to delete certain reference to "wholesale" dealers; to delete certain reference to "blanks" provided by the commissioner of conservation and natural resources; to delete certain references to quarterly reporting; to amend Section 9-12-116, Code of Alabama 1975, relating to the inspection of certain facilities and the evasion of certain provisions, so as to prohibit the refusal to permit such inspection or the

collection of fisheries data, by any employee of the department of conservation and natural resources whose duty it is to conduct such activities; to amend Section 9-12-117, Code of Alabama 1975, to increase the penalties for possession of illegal tackle or device or unlicensed boat; to amend Section 9-12-124, Code of Alabama 1975, to provide further for the taking of crabs for commercial purposes; and to specifically repeal Sections 9-12-54.1, relating to the live bait shrimp dealers license, 9-12-54.2, relating to the expiration date and nonresident license fee for said license, 9-12-54.3, relating to the identification of vehicles utilized pursuant to said license, 9-12-54.4, relating to the catching of and sale of bait shrimp, 9-12-54.5, relating to the taking of shrimp by persons without said license, and 9-12-54.7, relating to the penalty provisions for violations of 9-12-54.1 through 9-12-54.6 of the Code of Alabama 1975.

Committee on Agriculture,  
Conservation, and Forestry

By Senator Corbett:

**S. 635.** Relating to health care and making appropriations therefor.

WHEREAS, accessibility to health care, particularly primary care, is severely limited in certain areas of Alabama and is often fragmented and inefficient; and

WHEREAS, the percentage of Alabamians, especially women, who live in poverty is growing and poverty often means delay in seeking timely and necessary care and consequent death; and

WHEREAS, 1,041 out of 62,530 births in Alabama in 1989 received no prenatal care or received care only after the first trimester of pregnancy; and

WHEREAS, physicians and other highly trained health professionals are very difficult to recruit in the medically underserved areas of Alabama; and

WHEREAS, it is necessary to change the content and location of training for health professionals; and

WHEREAS, rural Alabamians are in poorer health than urban Alabamians; and

WHEREAS, accidental death rates are higher in rural areas; and

WHEREAS, infants born to parents without health insurance have a thirty percent greater chance of sickness or death; and

WHEREAS, approximately one-half of the persons who are uninsured are employed or are in families with an employed parent; and

WHEREAS, a significant portion of the cost of health insurance premiums is used to support health care for the employees whose employer does not provide health insurance benefits; and

WHEREAS, tax credits for employers just beginning to provide health insurance coverage for its employees are a means of forging a public-private partnership to serve a common good; and

WHEREAS, employers providing health insurance coverage to employees in lieu of a wage increase may permanently save fifty to sixty percent of the cost of the insurance in combined savings on taxes; and

WHEREAS, only half of the Alabamians with incomes less than the federal poverty guidelines qualify for medicaid; and

WHEREAS, one in seven Alabama children has no health insurance; and

WHEREAS, the burden of providing charity care to Alabamians needing hospitalization is not evenly distributed across Alabama hospitals or adequately compensated; and

WHEREAS, the federal government matches state dollars at a ratio at seventy-two cents of federal money for every twenty-eight cents of state money for support of the medicaid program; and

WHEREAS, the reimbursement of expenditures for institutional long-term care is borne primarily by the medicaid program; and

WHEREAS, increases in the elderly population, advances in medical technology, and other factors have doubled the cost of health care since 1980; now therefore,

Committee on Health

By Senator Corbett:

**S. 636.** To make further provision for the financing and

construction of public roads and bridges in the state by the issuance of bonds by the Alabama highway authority; to authorize the authority to sell and issue from time to time not exceeding \$300,000,000 aggregate principal amount of highway revenue bonds in addition to those heretofore authorized to be issued by the authority; to authorize the authority to issue and sell refunding bonds to refund bonds at any time issued by the authority and at the time outstanding; to provide for the details and the method of execution of the said bonds; to provide that the authority shall determine the manner, terms and conditions of the sale or sales of the bonds, and to make provisions respecting such sale or sales and the permitted uses, applications and investments of the proceeds from the sale or sales thereof; to provide for the competitive employment of attorneys, financial advisors, accountants, registrars and paying agents in connection with the sale and issuance of the bonds and to provide penalty for intentional violation of this provision; to provide for the establishment, from such proceeds, of certain funds and for the use of such funds and any investment earnings thereon; to provide that bonds issued under this act shall not create an obligation or debt of the state and shall be limited obligations payable solely out of the revenues of the authority pledged therefor in this act; to provide that said bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies and shall be lawful for the investment of trust funds; to provide a mechanism for defeasance of said bonds; to appropriate and pledge funds necessary to pay the principal of, premium, if any, and interest on said bonds; to authorize the authority to pledge for payment of the said principal of, premium, if any, and interest on said bonds the moneys pledged in this act for such purpose; to preserve prior pledges and covenants by the state; to adopt certain provisions of the act of the legislature creating the authority; to provide for a covenant of the legislature not to reduce below certain levels appropriated and pledged taxes and fees while any of said bonds are outstanding and unpaid; to authorize the state treasurer to disburse moneys pledged for payment of said bonds; to provide that if any portion of this act is held invalid such holding shall not affect the validity of any other portion hereof; and to specify the effective date of this act.

Committee on Industrial  
Development and Expansion

By Senator Corbett:

**S. 637.** To authorize the Governor, the Director of Finance and the Director of the Department of Youth Services of the State of Alabama to become a public corporation to be known as Alabama Youth Care



Authority; to provide the procedure for incorporation; to designate the members, directors and officers of the authority, to provide for meetings of the authority; to prescribe the powers of the authority, including the power to provide for the acquisition, construction, installation and equipping of youth care and other facilities which shall include one or more buildings and the site or sites therefor, the power of eminent domain, and the power to sell and issue a principal amount of bonds not to exceed \$20,000,000 for such purposes; to specify the application of the proceeds of the bonds of the authority; to authorize the authority to pledge such revenues from its leases as may be necessary to pay the principal of, premium, if any, and interest on its bonds; to empower the State Treasurer to disburse funds of the authority; to provide for the lease of said facilities to the Department of Youth Services for occupancy by its components; to provide for the investment of the proceeds from the sale of the bonds of the authority; to authorize the issuance by the authority of refunding bonds; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; to provide that all properties of the authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the authority and shall not create an obligation or debt of the State of Alabama; to provide that any bonds issued by the authority may be used as security for state deposits and investment of public funds and fiduciary funds; to provide that no earnings of the authority shall inure to private entities; to provide for dissolution of the authority and conveyance of its properties to the State of Alabama upon payment of said bonds; and to create the Alabama Youth Care Authority Legislative Oversight Committee and provide for its composition, duties, powers, and expense allowances.

Committee on Industrial  
Development and Expansion

By Senator Corbett:

**S. 638.** To give the act a title; to enumerate the goals of this Act; to amend Section 16-23-3, Code of Alabama 1975, to require the state board of education to adopt policies authorizing under certain circumstances alternative certificates to be issued regardless of whether the recipient is a graduate of an approved teacher program; to provide that persons receiving alternative certificates for three consecutive years

may under certain circumstances be granted a teaching certificate pursuant to Section 16-23-1, Code of Alabama 1975, and become eligible for continuing service status; to provide for emergency certificates; to provide that time served pursuant to an alternative certificate shall be counted in determining continuing service status; to provide that time served pursuant to an emergency certificate shall not be counted in determining continuing service status; to amend Sections 16-3-16, 16-23-14, and 16-23-15, Code of Alabama 1975 consistent with Chapter 23 of Title 16, Code of Alabama 1975, as amended; to establish a Professional Teachers Standards Commission and to provide for the designation or development of an entry-level pre-certification examination for teacher candidates in Alabama; to amend Section 16-3-15, Code of Alabama 1975, by defining "required courses" and "elective courses" and by requiring the state board of education to mandate certain required courses for grades 9 through 12 in public schools beginning with students entering the 9th grade in the 1992-93 academic year, and by authorizing the state board of education to approve elective courses in public schools, and by providing that in the event a city or county board of education has met certain specified conditions then such local board may approve elective courses in addition to the required courses set forth and elective courses approved by the state board of education, provided, however, that if a local board approves an elective course previously approved by the state board of education then the local board is required to use any course content approved by the state board of education for such elective, and by providing that in the event a city or county board of education has not met certain specified conditions then such local board shall offer only elective courses approved by the state board of education, and by providing that the state board of education shall adopt policies, procedures, rules, regulations, and/or standards to require that certain courses must be taken and successfully passed by every student enrolled in grades 9 through 12 of public schools prior to receipt of a diploma, phased in beginning with students entering the 9th grade in the 1992-93 academic year, providing, however, for students identified as eligible for special education services, and by providing that the state board of education shall adopt policies, procedures, rules, regulations, and/or standards to require that a certain number of elective courses must be successfully passed by a student in grades 9 through 12 of public schools prior to such student's graduation or receipt of a diploma, phased in beginning with students entering the 9th grade in the 1992-93 academic year, by providing that the state board of education shall adopt other provisions necessary to fully implement this section so long as such provisions are consistent with all requirements, restrictions, definitions, and limitations of this section, and by providing that the state board of education shall require that certain courses be taught in grades one through eight in all public schools, phased in beginning with

students entering grades one through eight in the 1992-93 academic year, and by providing that the state board of education shall adopt necessary policies, procedures, rules, regulations and/or standards to encourage college and university departments of education to review existing educational programs to insure that prospective teachers are properly prepared; to amend Section 16-35-1, Code of Alabama 1975, as amended, by expanding the courses of study committee; to repeal Sections 16-40-1, 16-40-2, 16-40-3, 16-40-4, 16-40-5.1, 16-40-5.2, 16-40-5.3, 16-40-5.4, 16-40-6, 16-40-7 and 16-40-8, Code of Alabama 1975, effective August 1, 1992; to require the state board of education to adopt learner outcomes defining what students must know to compete nationally and internationally; to require the state board of education policies to require mechanisms to receive feedback from higher education institutions and the business community; to require the state board of education to eliminate social promotion of students by strengthening promotion and retention standards required of all local school systems; to require local boards of education to provide counseling, tutorial assistance, and remediation when necessary to ensure that students are literate in the skills identified in the required courses of study and have achieved standards of the grade level of learning on course content; to direct to the state board of education to establish a performance-based accreditation system for all city and county school systems and all public schools to supplement the existing accreditation system; to direct the state board of education to establish specific guidelines and minimum performance levels which reflect the standards required for accreditation and to identify certain standards required for accreditation, which standards shall include a measurement of the academic performance of each school and school system and shall be directly linked with the student assessment program as provided for in this Act; to provide that such accreditation standards shall include minimum requirements for science instructors; to require each city or county school system to submit to the state board of education information as may be required to determine its accreditation status; to provide a means of classifying schools and school systems as excellent, satisfactory or probationary, and providing further for an annual report to be known as the "Report Card on Our Schools and School Systems"; to require non-accredited and accredited probationary city or county school system to develop education improvement plans subject to the approval of the state superintendent of education and designed to cause such school system and each public school to meet standards and minimum performance required for accreditation; to establish a procedure for any member of the public to lodge a complaint against any school or school system if the complaining person has reason to believe such school or school system is falling below the minimum performance

standards established herein; to allow the state superintendent of education to intervene in the operation of a non-accredited school system temporarily in the event that such board fails to implement an education improvement plan or is unable or unwilling to meet the standards and minimum performance levels to be accredited; to provide for a lengthened school term of 179 actual teaching days, phased in with one additional teaching day annually from 1992 through 1996; to provide that any employee required to work an additional day or days shall be compensated with a corresponding additional day or days' pay in addition to any cost of living adjustment; to create the Alabama Council on Family and Children for the purpose of coordinating services supporting early childhood development and family involvement in education, to specify the membership of the council, to direct the Alabama Council on Family and Children to submit to the Governor and the legislature recommendations concerning the federally sponsored Head Start Programs and state sponsored Head Start type programs, including pilot testing thereof, to establish criteria for recognizing preschool students in need of readiness skills and the development of summer programs to aid such students, and to direct the Alabama Council on Family and Children to recommend programs of instruction in professional development for public school instructors, teachers and administrators involved in early childhood development; to amend Section 16-28-4, Code of Alabama 1975, to provide that before a child may be admitted to the first grade in the public schools such child must have completed one year of kindergarten in either public, private or church school kindergarten; to define "schools of choice" and "school system," to authorize county and city boards of education to implement a Schools of Choice plan for use within their respective school systems consistent with federal and state constitutional, statutory, and administrative provisions of law, including applicable federal or state court orders including but not limited to all applicable federal court desegregation orders, where such plan is adopted by either a resolution of the respective city or county board, or a majority of voters within a particular jurisdiction at a referendum called by a resolution of the respective county or city board of education and held in accordance with special election laws, to require city and county boards to report to the state superintendent and certify compliance of local Schools of Choice plans with applicable federal or state court orders including but not limited to all applicable federal court desegregation orders, and applicable federal and state constitutional, statutory, and administrative provisions of law, to require the state superintendent to submit an annual Schools of Choice report to the state board of education; to require the state board of education to adopt a program to implement a complete, valid and reliable assessment of student achievement in the core curriculum courses for students, and to correlate the results of such tests with the development of promotion and

retention standards as required by this Act; to include as part of the assessment certain mandatory student examinations; to require the state board of education to develop and implement an aptitude assessment program; to direct the state board of education to establish a goal of increasing the scale score for passing the Alabama High School Graduation Exam over the next three scholastic years beginning with the exam to be given in the fall of 1992, and direct the state board of education to continually revise the Alabama High School Graduation Exam to ensure that said exam measures the skills and knowledge expected of high school graduates; to provide that all students who participate in work-related programs requiring those students to leave school for more than one instructional period during their regular school day shall have met or exceeded the minimum acceptable level of performance in a test of basic skills; to require the state board of education to adopt a mandatory and enforceable attendance policy for all students, which policy shall recognize that it is the responsibility of every parent or guardian to ensure his/her child is regular in public, private, or church school attendance, and parents shall be held accountable for the failure of the child who is of compulsory attendance age to attend; to provide for increased utilization of advanced technology in Alabama public schools and teacher training programs; to establish a Council on Adult Education and specify the membership thereof, which will develop long-range recommendations and an inventory of adult education programs and report to the 1992 regular session of the legislature; to provide the Council on Adult Education with support staff provided by the Alabama department of postsecondary education and the state department of education; to require, each public school instructor, teacher, supervisor or administrator to complete a minimum of twelve clock hours of approved instruction in professional development beginning with the 1992-93 school year; to require the Alabama state board of education to provide courses of instruction in professional development and to specify certain subjects which must be offered; to require any public school instructor, teacher, supervisor or administrator who fails to earn twelve clock hours of professional development credits by June 15 to submit a plan for making up the deficiency; to require the local superintendent of education to monitor compliance with the minimum credit hours requirement and to report non-compliance by personnel within his jurisdiction to the state superintendent of education; to direct the state board of education to study programs of instruction in professional development designed to develop leadership skills for school system administrators and principals which utilize expertise from private industry; to direct the state board of education to implement a personnel evaluation system to further assist public school personnel in completing the professional development requirements imposed herein; to identify

and define students who are at-risk of poor academic performance, failure or dropping out; to direct the state board of education to cause to be developed programs for providing educational and related services reasonably calculated to enable at-risk children to successfully complete the elementary and secondary curriculum; to direct the state board of education to develop pilot alternative programs for students with behavioral or instructional problems which cannot be met in the regular school program; to direct the state board of education to implement a pilot program to determine the optimum teacher-pupil ratios for promoting academic achievement for students who are economically or educationally deprived; to direct the state board of education to monitor, analyze and report to the Governor and the legislature on such pilot programs; to further direct the state board of education to cause to be developed and piloted dropout prevention and recovery programs; to require the state board of education to designate certain schools or school systems as lead schools or school systems for purposes of implementation of a dropout prevention and retrieval program; to require the state board of education to monitor and provide guidance for schools or school systems with dropout prevention and retrieval programs deemed to be deficient; to direct the state board of education to adopt policies and procedures to implement a comprehensive career awareness program in the middle schools, to place strong emphasis on school counselors to identify students at-risk, to develop professional development programs to prepare teachers for dealing with students at-risk, to encourage business and community involvement, and to increase the graduation rate to 90% by the year 2000; to provide for the development of flexible school terms extending over the twelve-month calendar year, with approval by the state board of education; and to provide that school personnel may work extended contract periods provided such personnel are willing and are paid commensurate with the system's salary schedule; to require the state board of education to encourage city and county boards of education to develop site based decision-making programs and innovative programs and methods of instruction for local schools and apply to the state board of education for waiver of any relevant state board of education policy, standard, regulation, and/or procedure, so long as the state board of education policy, standard, regulation, and/or procedure is not expressly required by statute, and providing that the state superintendent of education shall monitor such programs, and providing that no employees shall have diminished or revoked any contractual or due process rights guaranteed by law or policy of the state board of education as a result of the implementation of site based decision-making programs adopted as a result of this Act; to require the state board of education to require the state superintendent of education to recommend changes to encourage city and county boards to develop local programs, to require the state board of education to require the state superintendent of education to

recommend a plan for grants to city and county boards that restructure local programs to promote educational enhancement at the local level; to require that school boards shall develop and adopt a discipline plan and a code of student conduct, ensuring a safe school environment free of illegal drugs, alcohol or weapons, establishing uniform policies and penalties; to prescribe minimum standards for school discipline and vandalism policies, and to create a cause of action against parents and/or guardians of any minor who damages school property; to provide civil immunity for teachers and other school authorities for carrying out discipline policies in the schools; to require the state board of education to develop a financial tracking and reporting system for all funds allocated by the Alabama Special Educational Trust Fund Appropriation Act to the local school systems and the local schools in each system; to designate the Alabama Education Study Commission as the Standards on Excellence Commission responsible for examining the required courses, testing programs for teacher candidates, promotion and retention standards, student assessment programs and the performance-based accreditation standards, as well as overall compliance under this Act, and to require said commission to report its findings to the Governor, legislature, and state board of education; to provide that any and all mandates contained in the provisions of this act shall be mandated only to the extent that funds are appropriated or otherwise made available for the purposes of implementing such mandates; to provide the intent of the legislature that any board, commission, council or similar body designated or created pursuant to this act shall have equitable representation of minorities; to provide that definitions set forth shall be deemed applicable whether the words defined are used in the singular or plural; to provide that any pronoun used herein shall be deemed to include both the singular and the plural and to cover all genders; to provide for severability; to provide for an effective date.

Committee on Education

By Senator Horn:

**S. 639.** To make an appropriation from the State General fund for the relief of Freddie Lee Gaines of Jefferson County who was wrongfully convicted of murder and incarcerated for thirteen years.

WHEREAS, in 1972 Freddie Lee Gaines was arrested and held without bond for first degree murder; and

WHEREAS, on October 23, 1974, Mr. Gaines was convicted of first degree murder and sentenced to thirty (30) years; and

WHEREAS, Mr. Gaines was released from prison on July 6, 1985; and

WHEREAS, on August 17, 1990 in Jacksonville, Florida, while in police custody, Larry Cohen confessed to both of the murders to which Mr. Gaines was charged; and

WHEREAS, on February 12, 1991, the District Attorney in Jefferson County moved and the trial court granted Petition for Relief from Conviction; and

WHEREAS, the pain and suffering wrongfully endured by the said Mr. Gaines and his family are regrettable, and the state is morally obligated to make compensation, but Mr. Gaines has no recourse at law to recover same; now therefore,

Committee on Finance  
and Taxation

By Senator Corbett:

**S. 640.** To provide a comprehensive system of law applicable to all counties in this state defining the powers of any such counties to construct improvements or reimprovements consisting of streets or any portions thereof, sanitary sewers and sewer systems and water and gas mains and service connections, drainage improvements or drainage systems and the filling in of swamps or inundated or overflowed or submerged lands, ornamental lighting systems or white way systems of lighting and the construction, acquisition, improvement and extension of seawalls, dikes, levees and embankments in such counties; to provide a method for the assessment of the cost of any such improvement against the property abutting on, or drained, served, or benefited by such improvement; to require the adoption of a resolution describing the improvement and the property abutting on, or the area to be drained, served or benefited by such improvement; to require the filing of plans and specifications for such improvement; to provide for publication and mailing of notice of the adoption of the said resolution; to provide for a public hearing on such improvement; to provide for payment of the cost of the improvement; to provide for the establishment of the grade of certain streets, avenues, alleys or sidewalks to be improved; to provide for public advertisement for bids for the construction of the improvement unless the county shall perform the work or provide materials from its own resources; to provide that the county commission must accept or reject work on the part of the county; to provide for supervision of the



work; to provide for the levy of assessments on the property abutting on or drained, served or benefited by any improvement; to provide for the assessment against lands purchased by the state; to provide the manner of assessments generally; to provide for improvements of intersections of streets, avenues or other highways; to provide for sidewalk improvements; to provide for the preparation of a list of owners and parcels to be assessed, and publication of notice of such list; to provide for the entry of the list in an assessment book for local improvements; to provide for the delivery of the assessment book to the county clerk and the publication of notice as to delivery and inspection of such book; to provide for notice of hearing of objections; to provide for the contents of the notice as to the hearing on assessments for improvements; to provide for any defects or errors therein; to provide for the filing of written objections to assessments by property owners; to provide for a hearing on the proposed assessments and making the same final; to provide for the powers of the commission as to the subpoena of witnesses; to provide for the establishment of a lien on the property subject to the assessments and for the priority thereof; to provide for the reduction or abatement of certain assessments; to provide for procedures with respect to erroneous assessments and assessments in excess of benefits derived; to authorize the transfer and assignment of such liens, and for the enforcement thereof; to specify other provisions with respect to such liens; to provide for the effect of enforcement of tax liens upon property subject to assessment liens and the duration of assessment liens; to provide for the effect of sale of property for enforcement of an assessment lien upon other assessment liens upon the same property; to provide a system for appeals from the making of such final assessment; to provide for bond on appeal; to provide for entry on trial docket of appeal; to provide for the transcript for appeal; to provide for prima facie evidence on appeal; to provide for the conduct of appeal, right of jury trial and the entry of judgment and assessment of costs generally; to provide for the entry of judgment for amounts properly chargeable against lands where the assessment is defective; to provide for appeals from the judgment of the circuit court; to provide for the addition of interest and damages upon affirmance of judgment for the county; to provide that the county may appeal from any judgments of the circuit court without giving bond; to provide for the issuance of execution and order of sale upon entry of final judgment in favor of the county; to provide a system for payment of all such assessments and for default in such payments; to provide for proceedings for sale of land upon failure of owner to pay assessment; to provide for the payment of assessments prior to sale; to provide that the costs of notice and sale are to be charged against the land; to provide for the execution of a deed to the purchaser at such sale; to provide for the effect of error and defect of notice of sale; to provide for the redemption

of property after sale generally; to provide for the extension of the redemption period; to provide for the application for filing of certificate of warning to redeem upon the record of local improvement assessment sale deed; to provide for the mailing of copies of deed and certificate to persons last assessed upon property described in deed by probate judge; to provide for the redemption of property during extended redemption period; to provide for the performance of duties of the probate judge; to provide for the redemption of property; to provide for the making of temporary loans or issuance of bonds before or during progress of work to pay for cost of improvement; to provide for the issuance of bonds after completion of work; to provide for the applicability of provisions of law as to issuance of county bonds generally; to provide for the issuance of bonds generally; to provide for the maturity and payments of such bonds; to provide for the disposition of proceeds from the sale of bonds; to provide for the grouping of improvements for the issuance of bonds; to provide for the maintenance and disposition of sinking fund accounts for bond issues; to provide for the bond of the officer charged with the collection of assessments; to provide for the redemption of bonds; to provide for the refunding of excess assessments; to provide a limitation period for presentation of claims and disposition of amounts not refunded; to provide for the settlement, adjustment or refunding of bonds; to provide for the consolidation of separate outstanding issues or issuance of refunding bonds; to provide for the maintenance and disposition of sinking fund accounts for refunding bond issues; to grant to any county the right of eminent domain with respect to improvements; to provide that this Act shall not affect the powers of counties to compel property owners to repair sidewalks; to provide for apportionment of assessments against property for public improvements among joint owners thereof; to provide for a petition of a tenant in common for division of an assessment among joint owners of property; to provide for a division of assessment among the tenants in common; to provide for a notice to property owners of division of assessment; to provide for appeals from division of assessment; to provide for correction of description of ownership of property and reduction of an assessment; to provide for the effect of reduction upon an assessment lien; to provide for the effect of annexation and incorporation of an area in which assessments have been made; to amend Section 11-28-3, Code of Alabama 1975, as amended, relating to the issuance of warrants by counties so as to provide for the pledge of assessments for the benefit of such warrants; to provide for severability of the provisions of this Act; and to establish the effective date of this Act.

Committee on Governmental  
Affairs/Local Government

By Senator Corbett:

**S. 641.** To be known as the Alabama alcoholic beverage control code; to regulate and control transactions in alcoholic beverages which take place in Alabama by alcoholic beverage control board; to provide for an alcoholic beverage control board; to regulate and control transactions in alcoholic beverages which take place in Alabama and to prohibit such transactions except by and under the control of the board; to restrict the effect of the Code to wet counties and wet municipalities; to provide for the administration, functions, powers and regulations of, and for receipt, disposition and use of profits of the board; to provide for the appointment, term of office, suspension, removal, compensation, costs and expenses of such board and its members, officers, agents and employees, and its administrator; to provide for the management and operation of and sales by state liquor stores; to provide for and fund an inventory fund for the board; to create a cost of evidence fund and provide for use thereof; to authorize licensing to engage in alcoholic beverage transactions, and provide for regulation for, and issuance and renewal of, and regulation of the grant of licenses; to impose and levy state, and authorize and limit county and municipal, filing and license fees for engaging in manufacture, import, warehousing, wholesale or retail sale of or transactions in alcoholic beverages; to proscribe unlawful acts and offenses and provide for punishment therefor; to prescribe penalties for any violation of the Code or any rule or regulation promulgated by the board and to provide punishment and alternate punishment therefor, including suspension or revocation of licenses and fines against licensees; to provide for non-taxable sales; to provide for refund on overpayment or erroneous payment on taxes and licenses to the board or any county or municipality; to provide penalties for failure to pay taxes collected and for execution for unpaid taxes and penalties; to provide for identification of certain alcoholic beverages and penalties for possession of unidentified alcoholic beverages and for the counterfeit or reuse of Alabama identification; to provide for licensee reports, records and inspections; to provide for confiscation of unidentified alcoholic beverages and vehicles used for transportation of unidentified alcoholic beverages and for the procedure for confiscation; to provide for an election to determine classification of county as wet or dry county; to provide for special method referendum to determine classification of county as wet or dry county and to impose conditions governing sales under special method; to provide for municipal option election to determine classification of municipalities as wet or dry municipalities; to provide for the separation of business interests and exclusive sales territories; to provide for regulation of advertising alcoholic beverages; to define terms and to establish a legal drinking age; to repeal Chapters 1,

2, 2A, 3A, 6 and 8, and Chapter 3 except sections 28-3-184, 28-3-190, 28-3-200 through 205, inclusive, 28-3-280, 28-3-281 and 28-3-284, and Chapter 7 except section 28-7-16, Title 28, Code of Alabama 1975, as amended, and all other conflicting or inconsistent laws or parts of laws, but shall not repeal or amend Title 28, Chapter 9, Code of Alabama 1975, as amended; to amend Title 28, Chapter 4, Code of Alabama 1975, to make the same consistent with the provisions of this Code; and to provide that the Code shall become effective on October 1, 1990.

Committee On Public Welfare

### MOTION TO ADJOURN

At 6:08 P.M., Senator Corbett moved that the Senate adjourn until Thursday, June 20, 1991, at 10:10 A.M.

### POINT OF ORDER

Senator deGraffenried asked the President and Presiding Officer of the Senate, "What position the Senate would be in when the Senate returns on Thursday, June 20, 1991?"

### STATEMENT BY THE PRESIDENT AND PRESIDING OFFICER

The President and Presiding Officer of the Senate stated that the Bill being read would be resumed until completed.

### POINT OF ORDER

Senator Amari asked, "Where the Senate was in the call of districts?"

### STATEMENT BY THE PRESIDENT AND PRESIDING OFFICER

The President and Presiding Officer of the Senate stated that he would address several Points of Order raised when the Senate reconvened on Thursday, June 20, 1991.

### ADJOURNMENT

The question recurred on the Motion of Senator Corbett that the Senate adjourn until Thursday, June 20, 1991, at 10:10 A.M.

Senator deGraffenried offered a substitute motion that the Senate

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**20th Day**

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adjourn until Thursday, June 20, 1991, at 8 o'clock A.M., which was adopted.

**Yeas 16 Nays 14**

**Yeas:**

**Senators:**

**Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Ellis, Foshee, Hale, Horn, Lindsey, Mitchem, Preuit, Smith (B), and Waggoner**  
**-16**

**Nays:**

**Senators:**

**Amari, Bailey, Campbell, Corbett, Dixon, Figures, Ghee, Hilliard, Langford, Little, Parsons, Sanders, Wilson, and Windom**  
**-14**

## **TWENTY-FIRST LEGISLATIVE DAY**

**THURSDAY, JUNE 20, 1991**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Jiles Williams, Jr., Pastor, New Providence Baptist Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Jamie Wesson, Cloverdale Junior High School, Montgomery, Alabama.

### **ROLL CALL**

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twentieth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**JIM PREUITT,**  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Preuitt, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senator Hilliard for today.

**STATEMENT BY THE PRESIDENT AND PRESIDING OFFICER**

Pursuant to the provisions of SR 91 Rules Committee Special Order report, immediately after a quorum was established as being present I instructed the Secretary to call up the unfinished portion of SR 91 which was uncontested local bills and there being an objection to all local bills I then instructed the Secretary to call the districts for the introduction of bills which was the last part of the Special Order. At this point the Senator from the 28th district requested that the title of all bills be read at length.

The Secretary began calling the districts for the introduction of bills and at the call of the 6th district the Senator from the 1st district stated that he had been out of the chamber when his district was called and he requested suspension of the rules to allow him to introduce his bills out of order. The Senator from the 15th district then had a substitute motion to suspend the rules and allow any senator to introduce bills out of order on that legislative day, and there being no objection the Chair granted the motion. At this point the call of the districts became moot and the Secretary began receiving bills as they were presented.

Subsequently the Senator from the 17th district introduced a bill and the title was being read at length when the Senator from the 28th district moved that the Senate stand in adjournment until 10:00 am Thursday, and on a substitute motion from the Senator from the 21st district the Senate adjourned until Thursday at 8:00 am.

I am ruling that when the bill being read is finished SR 91 is completed and I will instruct the Secretary to call up the remaining Sunset bills provided for in Section 41-20-10 Code of Alabama.

Which was read and filed with the Secretary.

**MOTION TO ADJOURN LOST**

At 8:25 A.M., Senator Amari moved that the Senate adjourn until Tuesday, June 25, 1991, at 2 o'clock P.M., which motion was lost.

Yeas 9    Nays 19

Yeas:

Senators:

Amari, Bailey, Campbell, Corbett, Figures, Langford, Parsons, Sanders,  
and Wilson - 9

Nays:

Senators:

Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd,  
Foshee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem,  
Owens, Preuitt, and Waggoner -19

**BUDGET ISOLATION RESOLUTION**

Senator Foshee, B.I.R., HB 162, adopted.

Yeas 23    Nays 1

Yeas:

Senators:

Amari, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis,  
Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Little,  
Mitchell, Mitchem, Owens, Parsons, Waggoner, and Windom -23

Nay: Senator Sanders

- 1

**BILLS ON THIRD READING****THE BILL:**

**H. 162.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the polygraph examiners board with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-25-36 to make fees apply to all governmental polygraph examiners and to provide further for certain fees; and 34-25-29 to provide for a mandatory continuing education program by the board.



was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuitt, Sanders, Smith (B), Smith (J), and Windom -25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 163, adopted.

Yeas 28 Nays 1

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Preuitt, Smith (B), Smith (J), Wilson, and Windom -28

Nay: Senator Sanders

- 1

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**H. 163.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the state board of occupational therapy with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-39-14 to provide further for the assessment and collection of costs relating to hearings of the board which result in the suspension, revocation or refusal to issue a license; 34-39-16 to provide further for the hearing of evidence and appeal process for hearings and actions of the board; and 41-20-3 to provide that the board shall be an enumerated state agency under the state sunset statute and to delete references to enumerated agencies which are no longer in existence.

was read a third time at length and passed.

Yeas 29 Nays 1

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Smith (B), Smith (J), Wilson, and Windom -29

Nay: Senator Sanders

- 1

### BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 164, adopted.

Yeas 25 Nays 1

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (B), Smith (J), Wilson, and Windom -25

Nay: Senator Sanders

- 1

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**H. 164.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of funeral service with certain modifications; to amend the section of the Code of Alabama 1975, to authorize the board to establish a reasonable examination fee for preparing and administering examinations of the board's applicants.

was taken up.

Senator Corbett offered the following substitute for the Bill, HB 164, to-wit:

**SUBSTITUTE FOR HB 164**

**A B I L L  
T O B E E N T I T L E D  
A N A C T**

Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of funeral service with certain modifications; to amend sections 34-13-70 and 34-13-90 of the Code of Alabama 1975, to authorize the board to establish a reasonable examination fee for preparing and administering examinations of the board's applicants.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. It is declared that pursuant to the Alabama Sunset Law, the sunset committee entered upon its duties and recommends the continuance of the board of funeral service with the additional recommendation for statutory changes as set out in Section 3 hereof.

Section 2. The existence of the board of funeral service, created and functioning pursuant to Sections 34-13-1 through 34-13-152 of the Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved.

Section 3. Sections 34-13-70 and 34-13-90, Code of Alabama 1975, are hereby amended to read as follows:

"§34-13-70.

"(a) No person shall engage in, or attempt to engage in, the practice or profession or business of a funeral director unless licensed to do so by the Alabama board of funeral service. The board hereby is granted authority to issue license to funeral directors.

"(b) Any person desiring to engage in the business, profession or practice of funeral director shall make application to the board and shall accompany his application by a fee to be established by the board, not to exceed \$100.00, whereupon the board shall fix the time and place for the examination of the applicant and shall notify the applicant thereof.

"(c) In addition, the board shall establish and charge a reasonable examination fee, based on actual costs, for each applicant who sits for an examination, however, in no event shall the fee exceed \$25.00 above the actual cost of preparing and administering such exam."

"§34-13-90.

"(a) No person shall follow, engage in or hold himself out as engaged in the practice as an embalmer unless licensed to do so by the Alabama board of funeral service. The board hereby is granted authority to issue licenses to embalmers.

"(b) All persons shall qualify for examination in accordance with the provisions of this chapter and shall be licensed as an embalmer only after due examination by the board and the payment of an examination and license fee to be established by the board, not to exceed \$100.00.

"(c) In addition, the board shall establish and charge a reasonable examination fee, based on actual costs, for each applicant who sits for an examination, however, in no event shall the fee exceed \$25.00 above the actual cost of preparing and administering such exam."

Section 4. The legislature concurs in the recommendations of the sunset committee as provided in Sections 1, 2 and 3 hereof.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Dial, Dixon, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuit, Sanders, Smith (B), and Windom -25

Nays:

- 0

And said Bill, HB 164, as amended by the substitute, was read a third time at length and passed.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Corbett, deGraffenried, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (B), Waggoner, and Windom -24

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 165, adopted.

Yeas 25 Nays 1

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Smith (B), Waggoner, and Windom -25

Nay: Senator Sanders

- 1

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**H. 165.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the hearing aid dealers licensing board with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-14-1 to provide further definitions regarding apprentice permits and hearing aid fitters and dispensers; 34-14-2 to require retail sellers of hearing aids to have a licensed dispenser on their staff; 34-14-3 and 34-14-4 to provide further for licensing requirements of dispensers and fitters; 34-14-6 to provide further for the license renewal fees for fitters and dispensers; 34-14-7 to provide for the requirements and issuance of an apprentice permit; 34-14-8 to allow notices of the state board to be mailed to licensees; 34-14-9 to provide for complaints and disciplinary actions against apprentices; 34-14-10 to require certain information on the receipt of sale of hearing aids; 34-14-11 and 34-14-30 to provide further for the

membership and powers of the state board.

was taken up.

Senator Dixon offered the following amendment to the Bill, HB 165, to-wit:

#### AMENDMENT TO HB 165

Amend HB 165 on Page 4, by adding a new sub-section after the period on line 11

"(c) Nothing in this Act shall apply to physicians licensed to practice medicine or employees under the supervision of a physician licensed to practice medicine, or to the professional corporation or professional association of such physicians."

Which was adopted.

Yeas 26 Nays 1

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuit, Smith (B), Smith (J), and Windom -26

Nay: Senator Sanders

- 1

Senator Dixon then offered the following amendment No. 2 to the Bill, HB 165, as amended, to-wit:

#### AMENDMENT NO. 2 TO HB 165, AS AMENDED

Amend House Bill No. 165 Page 4 as follows: by adding a new subsection "(d)" as follows: Nothing in this Act shall apply to licensed speech pathologists or to licensed audiologists.

On motion of Senator Corbett, the Rules were suspended and further consideration of the Bill, HB 165, as amended, and pending amendment, was postponed subject to the call of the Chair.

#### BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 166, adopted.

**REGULAR SESSION  
21st Day**

1099

Yeas 21   Nays 1

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, deGraffenried, Dial, Dixon, Floyd, Foshee, Hale, Horn, Little, Mitchell, Owens, Parsons, Preuit, Smith (B), Smith (J), Waggoner, Wilson, and Windom -21

Nay: Senator Sanders

- 1

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 166.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the state board of registration for professional engineers and land surveyors, with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-11-8 to increase individual license fees to require a continuing education program for individual licensees of the board and to prescribe a late renewal penalty for corporate licensees; 34-11-9 to require corporate licensees to obtain approval of their corporate charter prior to obtaining a corporate certificate of license and 34-11-36 to provide for the position of assistant executive director.

was taken up.

On motion of Senator Corbett, the Rules were suspended and further consideration of the Bill, HB 166, was postponed subject to the call of the Chair.

**FURTHER CONSIDERATION OF HB 165, AS AMENDED**

The Senate proceeded to further consideration of the Bill, HB 165, as amended. The question was on the Dixon amendment No. 2 to the Bill, as amended.

Which was adopted.

Yeas 26   Nays 1

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Hale, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Preuit, Sanders, Smith (B), Waggoner, and Windom -26

Nay: Senator Corbett

- 1

Senator Amari moved to suspend the provisions of Chapter 41-20-10, Code of Alabama 1975, in order to continue debate on the Bill, HB 165, for an additional hour.

On motion of Senator Hale, said motion was laid on the table.

Yeas 15   Nays 8  
Abstaining 1

Yeas:

Senators:

Barron, Bedsole, Bolling, Denton, Dial, Foshee, Hale, Lipscomb, Little, Mitchell, Owens, Preuitt, Sanders, Smith (B), and Waggoner -15

Nays:

Senators:

Amari, Bailey, Campbell, Corbett, Ghee, Langford, Parsons, and Wilson - 8

Abstaining: Senator Smith (J) - 1

And said Bill, HB 165, as amended, was read a third time at length and passed.

Yeas 24   Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (B), and Waggoner -24

Nays: - 0

### FURTHER CONSIDERATION OF HB 166

The Senate proceeded to further consideration of the Bill, HB 166.

Senator Corbett offered the following amendment to the Bill, HB 166, to-wit:

### AMENDMENT TO HB 166

Amend H. 166 by amending § 34-11-36, Page 8, Line 26, by



deleting the word "secretary" and substituting the words "executive director" so that Line 26 will read, as follows:

"The ~~secretary~~ executive director of the board shall receive and"

Amend H. 166, by amending § 34-11-36, Page 8, Line 34, by deleting the word "secretary" and substituting the words "executive director" so that Line 34 will read, as follows:

"executive ~~secretary~~ director of the board; provided, that no funds"

Amend H. 166, by amending § 34-11-36, Page 9, Line 9, by deleting the word "secretary" and substituting the words "executive director" so that Line 9 will read, as follows:

"engineers fund, the board or the ~~secretary~~ executive director of the board in his"

Amend H. 166, by amending § 34-11-36, Page 9, Line 13, by deleting the word "secretary" in two places and substituting the words "executive director" so that Line 13 will read, as follows:

"the ~~secretary~~ executive director of the board under this chapter.  
The ~~secretary~~ executive director"

Amend H. 166, by amending § 34-11-36, Page 9, Line 18, by deleting the word "secretary" and substituting the words "executive director" so that Line 18 will read, as follows:

"~~secretary~~ executive director of the board shall receive such salary as the board"

Amend H. 166, by amending § 34-11-36, Page 9, Lines 21 and 22, by deleting the word "secretary" and substituting the word "director" on Line 21 and by deleting the word "secretary" and substituting the word "director" on Line 22 so that Lines 21 and 22 will read, as follows:

"executive ~~secretary~~ director and, when necessary, an assistant executive secretary ~~director~~ and fix ~~his~~ their compensation and duties."

Which was adopted.

Yeas 23 Nays 1

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, Denton,  
Dial, Ellis, Floyd, Foshee, Ghee, Hale, Langford, Lipscomb, Little,  
Mitchell, Preuitt, Smith (B), Smith (J), Waggoner, and Wilson -23

Nay: Senator Sanders

- 1

Senator Amari moved to suspend the provisions of Chapter 41-20-10, Code of Alabama 1975, in order to continue debate on the Bill, HB 166, for an additional hour.

On motion of Senator Hale, said motion was laid on the table.

Yeas 15 Nays 7

Yeas:

Senators:

Bedsole, Bennett, Bolling, Floyd, Foshee, Hale, Horn, Lipscomb,  
Little, Mitchell, Owens, Parsons, Preuitt, Smith (B), and Waggoner -15

Nays:

Senators:

Amari, Corbett, deGraffenried, Ghee, Langford, Sanders, and  
Windom - 7

And said Bill, HB 166, as thus amended, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, Figures,  
Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little,  
Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (B), Waggoner, and  
Windom -25

Nays:

- 0

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

### SR 92. SPECIAL ORDER.

RESOLVED BY THE SENATE That the following in the order named shall be the paramount and continuing order of business taking precedence over all other matters for the twenty-first legislative day of

the 1991 Regular Session only:

1. Finance and Taxation Committee Report
2. House Messages
3. Report of other Standing Committees
4. Uncontested Local Bills

Senator deGraffenried offered the following substitute for the Resolution, SR 92, to-wit:

**SUBSTITUTE FOR SR 92**

**SR 92. SPECIAL ORDER.**

RESOLVED BY THE SENATE That the following in the order named shall be the paramount and continuing order of business taking precedence over all other matters for the twenty-first legislative day of the 1991 Regular Session only:

1. Finance and Taxation Committee Report
2. Uncontested Local Bills

On motion of Senator Preuitt, said substitute was laid on the table.

Yeas 19 Nays 3

Yeas:

Senators:

Bailey, Bedsole, Bennett, Campbell, Corbett, Denton, Figures, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Preuitt, Smith (B), Waggoner, and Windom -19

Nays:

Senators: ...

Amari, deGraffenried, and Sanders - 3

Senator deGraffenried then offered the following substitute No. 2 for the Resolution, SR 92, to-wit:

**SUBSTITUTE NO. 2 FOR SR 92**

**SR 92. SPECIAL ORDER.**

RESOLVED BY THE SENATE That the following in the order named shall be the paramount and continuing order of business taking precedence over all other matters for the twenty-first legislative day of

the 1991 Regular Session only:

1. Finance and Taxation Committee Report
2. Report of other Standing Committees
3. Uncontested Local Bills

On motion of Senator Preuitt, said substitute No. 2 was laid on the table.

Yeas 21 Nays 5

Yeas:

Senators:

Bailey, Bedsole, Bennett, Campbell, Corbett, Denton, Dixon, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Preuitt, Smith (B), Waggoner, Wilson, and Windom -21

Nays:

Senators:

Amari, deGraffenried, Figures, Floyd, and Sanders - 5

Senator Amari offered the following substitute for the Resolution, SR 92, to-wit:

### **SUBSTITUTE FOR SR 92**

#### **SR 92. SPECIAL ORDER.**

RESOLVED BY THE SENATE That the following in the order named shall be the paramount and continuing order of business taking precedence over all other matters for the twenty-first legislative day of the 1991 Regular Session only:

1. Finance and Taxation Committee Report
2. Report of other Standing Committees

On motion of Senator Preuitt, said substitute was laid on the table.

Yeas 22 Nays 3

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Parsons, Preuitt, Smith (B), Waggoner, and Windom -22

Nays:

Senators:

Amari, deGraffenried, and Sanders - 3

And on motion of Senator Preuitt, the Resolution, SR 92, was then adopted by the Senate.

Yeas 18 Nays 8

Yeas:

Senators:

Bedsole, Bennett, Bolling, Denton, Dial, Figures, Foshee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuitt, Smith (B), Waggoner, and Windom  
-18

Nays:

Senators:

Amari, Bailey, Corbett, deGraffenried, Dixon, Langford, Parsons, and Sanders  
- 8

### REPORTS OF COMMITTEES

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, to-wit:

By Reps. Clark (J), Campbell, Harper, Carter, Harvey, Dolbare, Powell, Newman, Gullatt, Cagle, Knight, Richardson, Starkey, Beasley, Hooper, White, Higginbotham, Drake, Black (L), Turner, Cullins, Goodwin, Blakeney, Rogers (F), McClain, Hill, Clark (W), Hammett, Black (M), Turnham, Bowling, Bugg, Burke, Ford, Smith (R), Spratt, and Carothers (With Substitute) (With Amendments):

**H. 550.** Relating to Alabama Economic and Developmental Highways and the financing of an Alabama Economic and Developmental Highway System; to name this Act; to provide definition of certain words and terms contained in this bill; to create a fund in the State Treasury which shall be called the Alabama Economic and Developmental Highway Trust Fund; to describe the Alabama Economic and Developmental Highway System and its purpose; to describe the sources of revenue for this fund; to provide the distribution and appropriation of revenues for the Alabama Economic and Developmental Highway System, County Roads, Urban Projects, and to pay Debt Service on outstanding Industrial Access Road and Bridge Corporation Bonds; to provide that if Alabama Economic and Developmental Highway System projects are constructed with Federal and/or Public Road and Bridge Funds, projects not on the Alabama Economic and Developmental Highway System may be constructed using Alabama Economic and Developmental Highway

System Funds; to provide that Alabama Economic and Developmental Highway System funds may be used to supplement toll projects; to provide that Alabama Economic and Developmental Highway System Funds may be used to anticipate Federal Funds on Advance Construction Projects; to provide that appropriations for the Alabama Economic and Developmental Highway System Projects, County Roads, and Urban Projects are Capital Outlay appropriations; to provide a deficit elimination procedure; to describe the purpose for which the funds can be used; to give county commissions in the state authority to pass resolutions to levy a gasoline tax with a three year authorization limit; to describe fund reversion procedures; to give the Highway Department authority to administer this fund; to give the Highway Director authority to promulgate rules and regulations concerning the operation of this fund; to provide for a quarterly report to the Joint Highway Committee; to give the Highway Department responsibility for developing schedules of improvements to be funded; to provide for allocation and appropriation of funds allocated for the Alabama Economic and Developmental Highway System when all Alabama Economic and Developmental Highway System Projects are 100% funded; to provide for fund matching requirements for county and urban projects; to provide for fund obligation limitations; to provide for review and approval procedures by the Highway Director for county and urban projects; to provide that MPO's will have authority to administer cities Transportation Improvement Plan to be approved by the Highway Director; to provide that the Highway Director will prescribe project design criteria for county and urban projects; to provide for contracting procedures; to provide for the effective date of this Act.

### **MOTION IN WRITING**

Senator Parsons offered the following Motion in Writing, to-wit:

### **MOTION IN WRITING**

I request House Bill 550 be read at length as required by Section 63 of the Constitution of Alabama.

Which was read and filed with the Secretary.

### **RULING OF THE CHAIR**

The President and Presiding Officer of the Senate ruled that the reading of the title of the Bill, HB 550, complies with Section 63 of the Constitution of Alabama.

**REPORTS OF COMMITTEES RESUMED**

And said Bill, HB 550, was read a second time and placed on the calendar.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, to-wit:

By Reps. Clark (J), Campbell, Harper, Carter, Harvey, Cagle, Dolbare, Powell, Newman, Gullatt, Knight, Richardson, Starkey, Beasley, Hooper, White, Drake, Black (L), Turner, Cullins, Blakeney, Rogers (F), McClain, Hill, Clark (W), Hammett, Black (M), Turnham, Bowling, Bugg, Burke, Ford, Smith (R), Spratt, and Carothers:

**H. 551.** To amend Section 8-17-87 of the Code of Alabama, 1975, as amended, by increasing the inspection fee for gasoline by \$.075 per gallon and by increasing the inspection fee for diesel fuel, except diesel fuel used for certain special purposes by \$.075 per gallon and to amend Section 8-17-91 of the Code of Alabama, 1975, as amended, by providing that the proceeds from the increase in the gasoline and diesel fuel inspection fee shall be paid into the State Treasury and deposited into the Alabama Economic and Developmental Highway Trust Fund of the State Highway Department.

**MOTION IN WRITING**

Senator Parsons offered the following Motion in Writing, to-wit:

**MOTION IN WRITING**

I request House Bill 551 be read at length as required by Section 63 of the Constitution of Alabama.

Which was read and filed with the Secretary.

**RULING OF THE CHAIR**

The President and Presiding Officer of the Senate ruled that the reading of the title of the Bill, HB 551, complies with Section 63 of the Constitution of Alabama.

**REPORTS OF COMMITTEES RESUMED**

And said Bill, HB 551, was read a second time and placed on the calendar.

**MOTION IN WRITING**

Senator Amari offered the following Motion in Writing, to-wit:

**MOTION IN WRITING**

Motion in Writing objecting that House Bill 551 was not read at length and I request that HB 551 be read at length as required by section 63 of the Constitution and I request that this motion be spread upon the Journal.

Which was read and filed with the Secretary.

**REPORTS OF COMMITTEES RESUMED**

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, to-wit:

By Reps. Clark (J), Campbell, Harper, Carter, Harvey, Cagle, Dolbare, Powell, Newman, Gullatt, Knight, Richardson, Starkey, Beasley, Hooper, White, Higginbotham, Drake, Black (L), Turner, Cullins, Goodwin, Rogers (F), McClain, Hill, Black (M), Turnham, Bowling, Bugg, Burke, Ford, Smith (R), Spratt, and Carothers:

**H. 552.** To levy a supplemental annual license tax or registration fee for each private passenger automobile, using the public highways of this state, in addition to the fees levied in Section 40-12-242 and 40-12-273(a), Code of Alabama, 1975; and to levy a supplemental annual license tax or registration fee on each truck or truck tractor, using the public highways of this state, in addition to the fees levied in Section 40-12-248 of the Code of Alabama, 1975, as amended, and Section 40-12-273(b), Code of Alabama, 1975; to provide that the proceeds from these supplemental fees be deposited in the State Treasury to the credit of the Alabama Economic and Developmental Highway Trust Fund of the State Highway Department.

**MOTION IN WRITING**

Senator Parsons offered the following Motion in Writing, to-wit:

**MOTION IN WRITING**

I request House Bill 552 be read at length as required by Section 63 of the Constitution of Alabama.



Which was read and filed with the Secretary.

### **RULING OF THE CHAIR**

The President and Presiding Officer of the Senate ruled that the reading of the title of the Bill, HB 552, complies with Section 63 of the Constitution of Alabama.

### **REPORTS OF COMMITTEES RESUMED**

And said Bill, HB 552, was read a second time and placed on the calendar.

### **REPORTS OF COMMITTEES RESUMED**

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, to-wit:

By Reps. Clark (J), Campbell, Harper, Carter, Harvey, Cagle, Dolbare, Powell, Newman, Gullatt, Knight, Starkey, Richardson, Beasley, Hooper, White, Higginbotham, Drake, Black (L), Turner, Cullins, Goodwin, Blakeney, Rogers (F), McClain, Hill, Hammett, Black (M), Turnham, Bowling, Bugg, Burke, Ford, Smith (R), Spratt, and Carothers:

**H. 553.** To amend Section 32-8-6 of the Code of Alabama, 1975, as amended, by imposing an additional fee of \$17.00 for issuing and processing documents related to the Alabama Uniform Certificate of Title and Anti-Theft Act; by increasing the designated agent's fee from \$1.50 to \$2.50 and to provide that the additional fee of \$17.00 shall be deposited into the State Treasury to the credit of the Alabama Economic and Developmental Highway Trust Fund of the State Highway Department; and to amend Section 32-8-7 of the Code of Alabama, 1975, as amended, to increase the designated agent commission fee from \$1.50 to \$2.50.

### **MOTION IN WRITING**

Senator Parsons offered the following Motion in Writing, to-wit:

### **MOTION IN WRITING**

I request House Bill 553 be read at length as required by Section 63 of the Constitution of Alabama.

Which was read and filed with the Secretary.

### **RULING OF THE CHAIR**

The President and Presiding Officer of the Senate ruled that the reading of the title of the Bill, HB 553, complies with Section 63 of the Constitution of Alabama.

### **REPORTS OF COMMITTEES RESUMED**

And said Bill, HB 553, was read a second time and placed on the calendar.

### **MOTION IN WRITING**

Senator Amari offered the following Motion in Writing, to-wit:

### **MOTION IN WRITING**

Motion in Writing objecting that House Bill 553 was not read at length and I request that HB 553 be read at length as required by section 63 of the Constitution and I request that this motion be spread upon the Journal.

Which was read and filed with the Secretary.

### **REPORTS OF COMMITTEES RESUMED**

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, to-wit:

By Reps. Clark (J), Campbell, Harper, Carter, Harvey, Cagle, Knight, Dolbare, Powell, Newman, Gullatt, Richardson, Starkey, Beasley, Hooper, White, Higginbotham, Drake, Black (L), Turner, Cullins, Goodwin, Blakeney, Rogers (F), McClain, Hill, Hammett, Black (M), Turnham, Bowling, Bugg, Burke, Ford, Smith (R), Spratt, and Carothers:

**H. 555.** To amend Section 23-6-8 of the Code of Alabama, 1975, as amended, by increasing from \$25,000,000 to \$50,000,000 the amount of bonds the Industrial Access Road and Bridge Corporation can have outstanding at any one time.

**MOTION IN WRITING**

Senator Parsons offered the following Motion in Writing, to-wit:

**MOTION IN WRITING**

I request House Bill 555 be read at length as required by Section 63 of the Constitution of Alabama.

Which was read and filed with the Secretary.

**RULING OF THE CHAIR**

The President and Presiding Officer of the Senate ruled that the reading of the title of the Bill, HB 555, complies with Section 63 of the Constitution of Alabama.

**REPORTS OF COMMITTEES RESUMED**

And said Bill, HB 555, was read a second time and placed on the calendar.

**MOTION IN WRITING**

Senator Amari offered the following Motion in Writing, to-wit:

**MOTION IN WRITING**

Motion in Writing objecting that House Bill 555 was not read at length and I request that HB 555 be read at length as required by section 63 of the Constitution and I request that this motion be spread upon the Journal.

Which was read and filed with the Secretary.

**REPORTS OF COMMITTEES RESUMED**

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, to-wit:

By Reps. Clark (J), Campbell, Harper, Carter, Harvey, Gullatt, Cagle, Hill, Dolbare, Powell, Newman, Knight, Richardson, Starkey, Beasley, Hooper, White, Higginbotham, Drake, Black (L),

Turner, Cullins, Goodwin, Blakeney, Rogers (F), McClain, Hammett, Black (M), Turnham, Bowling, Bugg, Burke, Ford, Smith (R), Spratt, and Carothers:

**H. 556.** Relating to the purchase of equipment for traffic law enforcement and the appropriation of funds therefore; to appropriate annually out of the Public Road and Bridge Fund of the State Highway Department \$3,500,000 to the Department of Public Safety for the purchase of equipment for traffic law enforcement; to provide for the transfer of funds quarterly from the Public Road and Bridge Fund to the Department of Public Safety.

### **MOTION IN WRITING**

Senator Parsons offered the following Motion in Writing, to-wit:

### **MOTION IN WRITING**

I request House Bill 556 be read at length as required by Section 63 of the Constitution of Alabama.

Which was read and filed with the Secretary.

### **RULING OF THE CHAIR**

The President and Presiding Officer of the Senate ruled that the reading of the title of the Bill, HB 556, complies with Section 63 of the Constitution of Alabama.

### **REPORTS OF COMMITTEES RESUMED**

And said Bill, HB 556, was read a second time and placed on the calendar.

### **MOTION IN WRITING**

Senator Amari offered the following Motion in Writing, to-wit:

### **MOTION IN WRITING**

Motion in Writing objecting that House Bill 556 was not read at length and I request that HB 556 be read at length as required by section 63 of the Constitution and I request that this motion be spread upon the Journal.

Which was read and filed with the Secretary.

**REPORTS OF COMMITTEES RESUMED**

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute) (With Amendments):

**H. 204.** To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1992.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Reps. Harper, Turnham, Knight, Campbell, Box, Higginbotham, Burke, Hooper, Kennedy, Thomas, Buskey (JL), Lindsey, Morrow, Parker (T), Clark (J), Hammett, Kvalheim, Gaston, Penry, Zoghby, Black (L), Johnson, Newton (C), Clay, Bryant, McDowell, Rogers (J), Spratt, Melton, Grayson, and Freeman (With Amendments):

**H. 813.** To amend Section 22-30B-2 of the Code of Alabama 1975, to remove court-stated objections to differences in hazardous waste disposal fees based on point of origin, by establishing a single base fee of \$104.60 per ton to be paid by operators of commercial hazardous waste disposal sites for all waste or substances disposed of at such sites effective July 15, 1990, until the effective date of this act and thereafter various rates per ton depending on the type of waste generated, and to alter the exemption qualification filing date; to amend Section 22-30B-2.1, relating to the payment of certain fees and guarantees to certain counties, so as to provide further for the allocation of the new fee and payment of the guarantee and the reimbursement of the guarantee by the county; to amend Section 22-30B-2.2, relating to the payment of certain fees to the Alabama public health finance authority, so as to provide further for the allocation of the new fee to said authority; to amend Section 22-30B-4 to consolidate and provide for certain county fees and to provide for their collection by the counties; to repeal Section 22-30B-2.3 relating to limitation of volume of wastes annually disposed

of at commercial hazardous waste disposal facilities; to place a volume limit on certain hazardous waste or substances that may be disposed at certain facilities and to prohibit the disposal of "household waste" at such facilities and to provide for emergency waivers of volume limitation; and to establish and to fund an environmental research trust fund and to provide for the administration of the fund and the distribution of money in said fund.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper:

**H. 789.** To appropriate the sum of \$311,500 from the State General Fund to the Board of Pardons and Paroles for the fiscal year ending September 30, 1991.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

**H. 366.** To amend Chapter 65 of Title 11 of the Code of Alabama 1975, which relates to horse racing and pari-mutuel wagering thereon in Class 1 municipalities, for the following purposes: to make certain legislative findings concerning the experience of the state's only Class 1 municipality with horse racing and pari-mutuel wagering thereon and the economic desirability of authorizing greyhound racing and pari-mutuel wagering thereon in a Class 1 municipality (now defined by statute to be a city with a population of 300,000 inhabitants or more as certified by the 1970 decennial census); to define the particular terms to be used in said Chapter 65 as amended by this act; to authorize a Class 1 municipality (the "sponsoring municipality") to incorporate a racing commission with power to license and regulate horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon or both; to provide that a racing commission incorporated pursuant to said Chapter 65 will be subject to the jurisdiction of the state ethics commission; to define a host county for a racing commission as the county in which a majority of the residents of the sponsoring municipality reside and to provide that a racing commission incorporated for a sponsoring municipality will have power to license and regulate racing

and wagering activities only in the part of such sponsoring municipality that is located in the host county; to provide for elections in the host county to authorize the incorporation of a racing commission and to determine the powers thereof; to amend said Chapter 65 concerning the appointment of certain members of a racing commission and the appointment of deputy members by certain members; to provide alternative arrangements for the appointment of the treasurer of a commission; to amend said Chapter 65 concerning the powers and duties of a racing commission and to impose certain limitations on such powers and duties respecting the confidentiality of information pertaining to a licensed operator and the rights of such operator to conduct its business under the supervision of the commission; to provide conditions relating to the award and use of licenses for horse racing, greyhound racing and pari-mutuel wagering thereon, including limitations on the right of an operator licensed to conduct greyhound racing to advertise in certain counties from which patrons of existing greyhound racing facilities are drawn; to authorize retroactively and ratify the action of an existing racing commission in entering into a contract to grant a prospective licensee a license for greyhound racing and pari-mutuel wagering thereon prior to the legislative enactment of the commission's authority to grant such license; to modify the provisions of said Chapter 65 respecting a license to own or use a horse racing facility; to modify the application and review procedure for granting an operator's license to reflect the additional power and duty of a commission to license and regulate greyhound racing and pari-mutuel wagering thereon; to modify the terms of an operator's license concerning its periodic review and revocation, the allowance of successive three year renewal terms after the initial term of 20 years, and the scheduling and conducting of licensed activities; to modify the ownership requirements applicable to holders of horse racing facility licenses and holders of operator's licenses to conduct horse racing or greyhound racing; to modify the procedure of a commission for reviewing and granting permits for persons to work at a racing facility; to provide for the appointment of judges for greyhound racing and stewards for horse racing; to authorize and provide rules for the conduct of pari-mutuel wagering on greyhound racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools for greyhound racing that are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering on greyhound racing by each licensed operator to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to provide for a greyhound racing operator to hold commission racing days in each calendar year with the profits therefrom to go to the commission or charitable organizations designated by the commission; to provide that horse racing or greyhound racing

events conducted at locations outside the state may be televised to a racing facility under the jurisdiction of a commission and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations outside the state; to provide that horse racing or greyhound racing events conducted at a racing facility under the jurisdiction of a commission may be televised to locations outside the state and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at the other locations to which such racing events are televised; to modify the purposes for which the net revenues of a racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to modify the prohibitions of said Chapter 65 against certain activities so as to make such prohibitions applicable to greyhound racing and pari-mutuel wagering thereon; to modify the penalties for certain prohibited activities concerning racing and pari-mutuel wagering; to repeal the provisions of said Chapter 65 that exempt any racing commission organized thereunder from the jurisdiction of any state racing commission that might be established pursuant to any law enacted after this act; to provide that the provisions of said Chapter 65, as modified by this act, shall be severable; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise both horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon in Class 1 municipalities.

GREG PAPPAS,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 366.** To amend Chapter 65 of Title 11 of the Code of Alabama 1975, which relates to horse racing and pari-mutuel wagering thereon in Class 1 municipalities, for the following purposes: to make certain legislative findings concerning the experience of the state's only Class 1 municipality with horse racing and pari-mutuel wagering thereon and the economic desirability of authorizing greyhound racing and pari-mutuel wagering thereon in a Class 1 municipality (now defined by



statute to be a city with a population of 300,000 inhabitants or more as certified by the 1970 decennial census); to define the particular terms to be used in said Chapter 65 as amended by this act; to authorize a Class 1 municipality (the "sponsoring municipality") to incorporate a racing commission with power to license and regulate horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon or both; to provide that a racing commission incorporated pursuant to said Chapter 65 will be subject to the jurisdiction of the state ethics commission; to define a host county for a racing commission as the county in which a majority of the residents of the sponsoring municipality reside and to provide that a racing commission incorporated for a sponsoring municipality will have power to license and regulate racing and wagering activities only in the part of such sponsoring municipality that is located in the host county; to provide for elections in the host county to authorize the incorporation of a racing commission and to determine the powers thereof; to amend said Chapter 65 concerning the appointment of certain members of a racing commission and the appointment of deputy members by certain members; to provide alternative arrangements for the appointment of the treasurer of a commission; to amend said Chapter 65 concerning the powers and duties of a racing commission and to impose certain limitations on such powers and duties respecting the confidentiality of information pertaining to a licensed operator and the rights of such operator to conduct its business under the supervision of the commission; to provide conditions relating to the award and use of licenses for horse racing, greyhound racing and pari-mutuel wagering thereon, including limitations on the right of an operator licensed to conduct greyhound racing to advertise in certain counties from which patrons of existing greyhound racing facilities are drawn; to authorize retroactively and ratify the action of an existing racing commission in entering into a contract to grant a prospective licensee a license for greyhound racing and pari-mutuel wagering thereon prior to the legislative enactment of the commission's authority to grant such license; to modify the provisions of said Chapter 65 respecting a license to own or use a horse racing facility; to modify the application and review procedure for granting an operator's license to reflect the additional power and duty of a commission to license and regulate greyhound racing and pari-mutuel wagering thereon; to modify the terms of an operator's license concerning its periodic review and revocation, the allowance of successive three year renewal terms after the initial term of 20 years, and the scheduling and conducting of licensed activities; to modify the ownership requirements applicable to holders of horse racing facility licenses and holders of operator's licenses to conduct horse racing or greyhound racing; to modify the procedure of a commission for reviewing and granting permits for persons to work at a racing facility; to provide for the appointment of judges for greyhound racing

and stewards for horse racing; to authorize and provide rules for the conduct of pari-mutuel wagering on greyhound racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools for greyhound racing that are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering on greyhound racing by each licensed operator to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to provide for a greyhound racing operator to hold commission racing days in each calendar year with the profits therefrom to go to the commission or charitable organizations designated by the commission; to provide that horse racing or greyhound racing events conducted at locations outside the state may be televised to a racing facility under the jurisdiction of a commission and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations outside the state; to provide that horse racing or greyhound racing events conducted at a racing facility under the jurisdiction of a commission may be televised to locations outside the state and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at the other locations to which such racing events are televised; to modify the purposes for which the net revenues of a racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to modify the prohibitions of said Chapter 65 against certain activities so as to make such prohibitions applicable to greyhound racing and pari-mutuel wagering thereon; to modify the penalties for certain prohibited activities concerning racing and pari-mutuel wagering; to repeal the provisions of said Chapter 65 that exempt any racing commission organized thereunder from the jurisdiction of any state racing commission that might be established pursuant to any law enacted after this act; to provide that the provisions of said Chapter 65, as modified by this act, shall be severable; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise both horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon in Class 1 municipalities.

GREG PAPPAS,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after

the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

**H. 162.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the polygraph examiners board with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-25-36 to make fees apply to all governmental polygraph examiners and to provide further for certain fees; and 34-25-29 to provide for a mandatory continuing education program by the board.

Also:

**H. 163.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the state board of occupational therapy with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-39-14 to provide further for the assessment and collection of costs relating to hearings of the board which result in the suspension, revocation or refusal to issue a license; 34-39-16 to provide further for the hearing of evidence and appeal process for hearings and actions of the board; and 41-20-3 to provide that the board shall be an enumerated state agency under the state sunset statute and to delete references to enumerated agencies which are no longer in existence.

GREG PAPPAS,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which is set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

**H. 203.** To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1992.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 203 - to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 234.** To make an appropriation from the Alabama Special Educational Trust Fund to the East Alabama Child Development Center for the fiscal year 1991-92 and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing

Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 234 - to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 217.** To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1992.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 217 - to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 264.** To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1992 for educational purposes.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 264 - to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 246.** To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 246 - to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

**H. 261.** To make an appropriation from the Alabama Special Educational Trust Fund to the Sickle Cell Education Program for the fiscal year ending September 30, 1992, and to require an operations plan

and audited financial statement prior to release of any funds. In addition, to make a conditional appropriation to the Sickle Cell Education Program for the fiscal year ending September 30, 1992.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 261 - to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

**H. 227.** To make an appropriation from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama, the United Cerebral Palsy Development Center for East Central Alabama, the Simpson-May Cerebral Palsy Center, the Cerebral Palsy Housing Foundation, the United Cerebral Palsy of Mobile and the United Cerebral Palsy of Huntsville for the fiscal year 1991-92, and to require an operations plan and audited financial statement prior to release of any funds.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 227 - to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 211.** To make an appropriation to the Department of Education for the fiscal year ending September 30, 1992.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

**HB 211 - to the Committee on Finance and Taxation**

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

**H. 281.** To appropriate the sum of \$750,000 from the Alabama Special Educational Trust Fund to the State Department of Education for the fiscal year ending September 30, 1991.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

**HB 281 - to the Committee on Finance and Taxation**



**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 228.** To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

**HB 228 - to the Committee on Finance and Taxation**

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolution with the original Senate Joint Resolution, and finds same correctly enrolled, to-wit:

**SJR 88. CREATING A JOINT LEGISLATIVE COMMITTEE ON THE CRISIS IN CHILDREN'S REHABILITATION SERVICES.**

JIM PREUITT,  
Chairperson.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title

had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

### REPORTS OF COMMITTEES RESUMED

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Kennedy, Starkey, and Zoghby:

**H. 370.** To amend certain sections in Title 40 of the Code of Alabama 1975, relating to crimes and offenses committed by employees of the Department of Revenue for violations of revenue and taxation statutes, regulations and procedure requiring confidentiality of information and certain exclusions therefrom; to amend Section 40-18-52, Code of Alabama 1975, to increase the punishment for violation of the confidentiality of income tax returns and income tax information and to amend Section 40-1-33, Code of Alabama 1975, so as to increase the punishment for violation of the confidentiality of all tax returns and information secured by the Department of Revenue; to amend Section 40-1-33, Code of Alabama 1975, to provide for the promulgation of rules and regulations permitting the exchange of tax information with other federal, state, county and municipal government tax agencies and associations of state tax agencies; and to specifically repeal Sections 40-23-29 (relating to confidentiality of sales tax returns), 40-23-84 (relating to confidentiality of use tax returns), 40-14-57 (relating to confidentiality of franchise tax returns), and 40-17-202 (relating to confidentiality of carriers and warehouse returns) of the Code of Alabama 1975 since those provisions would be duplicative of Section 40-1-33, Code of Alabama 1975.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Sanderford, Walker, McKee, Blakeney, Mikell, McMillan, Penry, Gaston, Kvalheim, Knight, Powell, Rich, McDaniel, Morton, and Sanderson (With Amendment):

**H. 73.** To provide that the Department of Public Safety shall

suspend the driver's license of any person convicted or adjudicated of violating Sections 13A-12-202, 13A-12-203, 13A-12-204, 13A-12-211, 13A-12-212, 13A-12-213, 13A-12-214, 13A-12-215, or 13A-12-231 of the Code of Alabama 1975.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Butler:

**H. 67.** To amend Section 13A-5-40, Code of Alabama 1975, which provides for capital offenses, so as to include murder committed while trafficking in controlled substances as a capital offense.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Dial and Bailey (With Amendment):

**S. 578.** To create "The Tractor, Farm Equipment, Lawn and Garden and Light Industrial Equipment Franchise Act" in order to provide for the fair regulation of tractor, farm equipment, lawn and garden and light industrial equipment manufacturers, distributors, wholesalers, dealers, and their representatives; to provide for the regulation of dealings and transactions between manufacturers and distributors or wholesalers and their dealers; to prohibit unfair and deceptive trade practices; to protect the freedom to contract; to prescribe remedies for violations of the provisions of the act; and to repeal Section 8-21-1 through 8-21-14, Code of Alabama 1975.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute):

**H. 279.** To provide for immunity for certain persons responding to certain oil spills.

Senator Hilliard, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Ford (With Substitute):

**H. 131.** Relating to the Alabama Public Service Commission; amending Sections 37-3-10, 37-3-11, 37-3-13, 37-3-15, 37-3-17, 37-3-21 and 37-3-22 of the Code of Alabama 1975, relating to motor vehicle carriers, so as to provide further for the regulation of such carriers and repealing Section 37-3-14 of the Code of Alabama 1975, which relates to the dual operations by motor vehicle carriers.

Senator Hilliard, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Hooper, Higginbotham, Gullatt, Bowling, Ford, Burke, Cosby, Rogers (J), Clay, and Perdue:

**H. 411.** To provide for a means to safeguard the public against injury and loss of life or the interruption of public services caused by damage to various underground facilities by communicating and coordinating adequate prior notification of excavation or demolition activities that might damage or interrupt services provided by certain underground facilities; to prohibit certain activities without first having ascertained the location of any potentially affected underground facilities; to prescribe procedures for notification of an intent to undertake certain activities; to prescribe certain activities to be included in an underground damage prevention program; to authorize formation of a public corporation for a statewide "One-Call Notification System" and to provide for its directors, powers and general administrative procedures; to prescribe procedures for response to both emergency and routine notification and for reporting damage resulting from certain activities; to prescribe civil penalties for violations and exceptions to such penalties; to provide for the liberal construction and severability of any part of this act and to provide that this act shall become effective on January 1, 1992.

Senator Hilliard, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to

the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford (With Amendment):

**S. 505.** To amend Section 37-3-32 of the Code of Alabama 1975, relating to motor carrier fees paid to the public service commission, so as to provide further for such fees.

Senator Ghee, Chairperson of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Foshee:

**S. 358.** To create a "pilot project" for the Secretary of State to establish specifications for a uniform system of electronic voting and for the electronic transfer of election totals from counties to the Secretary of State's office.

By Senator Waggoner:

**S. 394.** To authorize the governing body of a municipality to exempt the homesteads of residents over 65 years of age, or who are retired due to permanent and total disability, or who are blind, in whole or in part from any ad valorem property tax increase imposed for public school purposes.

By Reps. Buskey (JE), Grayson, and McDowell:

**H. 352.** To amend Section 17-8-25, Code of Alabama 1975, relating to the number of ballots to be provided for each voting place, so as to decrease the required number.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Langford (With Notice and Proof):

**S. 502.** Relating to Montgomery County; providing further for

the compensation of the tax assessor and tax collector.

By Rep. Letson (With Notice and Proof):

**H. 674.** Relating to Lawrence County; providing for the county commission to reimburse the offices of the tax collector, tax assessor, revenue commissioner, license commissioner and the probate judge for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that such funds shall be payable from the general fund of the county.

By Rep. Letson (With Notice and Proof):

**H. 675.** Relating to Lawrence County, to provide for the assessment and collection of an additional court charge on each district and circuit court case filed and to provide for the distribution of the proceeds of said additional charge to the historical commission.

By Rep. Thomas (With Notice and Proof):

**H. 722.** Relating to Lowndes County; providing further for the compensation of the county coroner and repealing Act No. 620, H. 795, 1967 Regular Session, as amended, and Act No. 515, H. 1135, 1965 Regular Session, as amended.

By Rep. Thomas (With Notice and Proof):

**H. 723.** Relating to Lowndes County; authorizing the county commission to levy additional sales and use taxes paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 40-23-4, 40-23-60, 40-23-61, 40-23-62 and 40-23-63 of the Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; and prescribing penalties and fixing punishment for violation of this act.

By Rep. Carter (With Notice and Proof):

**H. 731.** Relating to Limestone County; so as to further provide for an additional expense allowance and expiration date therefor and the coroner and deputy coroner's compensation, in the next term of office for coroner and deputy coroner and to authorize the coroner and deputy coroner to use their compensation to employ an assistant as needed.

By Rep. Hamilton (With Notice and Proof):

**H. 732.** Relating to Limestone County; so as to further provide for an additional expense allowance and expiration date therefor and the chairman and members of the county commission compensation, in the next term of office, and to provide for retroactive effect.

By Senator Bolling (With Notice and Proof):

**S. 560.** Relating to Marion County; to amend Section 4 of Act No. 80-128, 1980 Regular Session, so as to provide further for the disposition of the proceeds from the sale of county property.

By Senator Bolling (With Notice and Proof):

**S. 561.** Relating to Lamar County, providing further for the distribution of certain funds to the Lamar County Water Authority and to rescue squads and certified fire departments.

By Senator Bolling (With Notice and Proof):

**S. 562.** Relating to Fayette County; to designate and fix the boundaries of an area in Fayette County to be known as The Tom Bevill Reservoir Management Area; to provide for and authorize the incorporation of a public corporation as a political subdivision of the state to be named The Tom Bevill Reservoir Management Area Authority for the development of that portion of North River in Fayette County and within the boundaries of The Tom Bevill Reservoir Management Area as created and defined by this act, its tributaries and watershed area, for the purposes of water conservation and supply, dam construction and reservoir development, for industrial development, flood control, navigation, irrigation, public recreation and related purposes; to provide for the composition of the board of directors of the authority; to specify the powers and duties of the authority and its board of directors; to authorize the authority to investigate the resources of The Tom Bevill Reservoir Management Area, to determine and implement the requirements for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective; to authorize the authority to acquire land and interests in land by purchase, construction, lease, condemnation or otherwise, and to hold, manage and sell such land and interests therein; to make provisions respecting the establishment and revision of rates, fees and charges for services rendered by the authority; to provide for the issuance by the authority for any of its corporate purposes of interest-bearing revenue bonds and notes payable solely out of the revenues of the authority or out of the revenues of any particular facilities and other

property of the authority, without regard to the specific facilities and other property with respect to which such bonds and notes may have been issued; to provide that such bonds and notes shall constitute negotiable instruments; to provide that such bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the authority for the proper application of its revenues and the proceeds of such bonds and notes and by a nonforeclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which such bonds and notes are payable, and to provide that bonds and notes of the authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by the authority of obligations respecting facilities and other property acquired by the authority; to provide for the use of the proceeds of bonds and notes issued by the authority; to provide for the refunding by the issuance of bonds and notes of the authority, of bonds and notes theretofore issued or obligations theretofore assumed by it; to provide that bonds and notes issued and contracts entered into by the authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or other political subdivision of the state; to authorize the Fayette County commission and the municipalities located therein to contribute money to the authority, without the necessity of an election and with or without consideration therefor; to exempt from all taxation in this state, the authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the authority is a party, and to exempt the authority from payment of certain charges to judges of probate; to grant to the authority the power to levy and collect within the boundaries of the management area certain excise taxes, sales taxes, and ad valorem taxes; to provide that the authority shall have zoning power within the boundaries of the management area; to provide that the authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; to provide for the use of public roads in the state by the authority; and to provide for certain annual reports by the authority.

By Senator Bolling (With Notice and Proof):

**S. 564.** Relating to Lamar County, providing further for the distribution of certain funds to the Lamar County Water Authority and to rescue squads and certified fire departments.

By Senator Bolling:

**S. 566.** To propose an amendment to the Constitution of



Alabama of 1901 to authorize in Fayette County the incorporation of The Tom Bevell Reservoir Management Area Authority for the purposes of water conservation and supply, dam construction and reservoir development, for industrial development, flood control, navigation, irrigation, public recreation and related purposes.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Blakeney (With Notice and Proof):

**H. 618.** To alter or rearrange the boundary lines of the Town of Silas, Choctaw County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Choctaw County, Alabama.

By Rep. Morrow (With Notice and Proof):

**H. 620.** Relating to Franklin County; to amend section 1 of Act No. 85-685, H. 1062, Regular Session 1985 (Acts 1985, p. 1099) relating to the disposition of revenues from fees assessed on transactions of the tax assessor; so as to provide that certain funds currently allocated for a county legislative office be deposited in the county general fund.

By Rep. Blakeney (With Notice and Proof):

**H. 663.** Relating to Marengo County; repealing Act No. 85-467, H. 715, 1985 Regular Session, which provides for an assessment on forest lands for fire protection.

By Reps. Turnham and Higginbotham (With Notice and Proof):

**H. 679.** Relating to Lee County, to impose a fee on the rental of video cassettes; to provide for the method of reporting and paying the fee; to provide for a fee for the county tax collecting official for the collection of same; and to provide for penalties for failure to pay.

By Rep. Layson (With Notice and Proof):

**H. 708.** Relating to Pickens County; repealing Act No. 83-706, H. 857, 1983 Regular Session and Act No. 84-554, 1984 Regular Session, which provide for assessments on forest lands for fire protection.

By Rep. Layson (With Notice and Proof):

**H. 725.** Relating to Pickens County; providing that the Pickens County Commission may establish and adopt voting centers by resolution.

By Rep. Dolbare (With Notice and Proof):

**H. 754.** Relating to Washington County; providing further for an expense allowance for members of the County Commission.

By Rep. Warren (With Notice and Proof):

**H. 777.** To amend Section 1 of Act No. 256, S. 392 of the 1973 Regular Session (Acts 1973, p. 289), entitled "An Act To provide for an additional expense allowance for the members of the Monroe County Board of Registrars," so as to provide further for such expense allowance retroactive to October 1, 1985; and to specifically repeal Act No. 90-628, H. 886, 1990 Regular Session (Acts 1990, p. 1148).

By Rep. Newman:

**H. 833.** To propose an amendment to the Constitution of Alabama of 1901 to authorize in Fayette County the incorporation of The Tom Bevill Reservoir Management Area Authority for the purposes of water conservation and supply, dam construction and reservoir development, for industrial development, flood control, navigation, irrigation, public recreation and related purposes.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Newman (With Notice and Proof):

**H. 834.** Relating to Fayette County; to designate and fix the boundaries of an area in Fayette County to be known as The Tom Bevill Reservoir Management Area; to provide for and authorize the incorporation of a public corporation as a political subdivision of the state to be named The Tom Bevill Reservoir Management Area Authority for the development of that portion of North River in Fayette County and within the boundaries of The Tom Bevill Reservoir Management Area as created and defined by this act, its tributaries and watershed area, for the purposes of water conservation and supply, dam construction and reservoir development, for industrial development, flood control, navigation, irrigation, public recreation and related purposes; to provide for the

composition of the board of directors of the authority; to specify the powers and duties of the authority and its board of directors; to authorize the authority to investigate the resources of The Tom Bevill Reservoir Management Area, to determine and implement the requirements for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective; to authorize the authority to acquire land and interests in land by purchase, construction, lease, condemnation or otherwise, and to hold, manage and sell such land and interests therein; to make provisions respecting the establishment and revision of rates, fees and charges for services rendered by the authority; to provide for the issuance by the authority for any of its corporate purposes of interest-bearing revenue bonds and notes payable solely out of the revenues of the authority or out of the revenues of any particular facilities and other property of the authority, without regard to the specific facilities and other property with respect to which such bonds and notes may have been issued; to provide that such bonds and notes shall constitute negotiable instruments; to provide that such bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the authority for the proper application of its revenues and the proceeds of such bonds and notes and by a nonforeclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which such bonds and notes are payable, and to provide that bonds and notes of the authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by the authority of obligations respecting facilities and other property acquired by the authority; to provide for the use of the proceeds of bonds and notes issued by the authority; to provide for the refunding by the issuance of bonds and notes of the authority, of bonds and notes theretofore issued or obligations theretofore assumed by it; to provide that bonds and notes issued and contracts entered into by the authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or other political subdivision of the state; to authorize the Fayette County commission and the municipalities located therein to contribute money to the authority, without the necessity of an election and with or without consideration therefor; to exempt from all taxation in this state, the authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the authority is a party, and to exempt the authority from payment of certain charges to judges of probate; to grant to the authority the power to levy and collect within the boundaries of the management area certain excise taxes, sales taxes, and ad valorem taxes; to provide that the authority shall have zoning power within the

boundaries of the management area; to provide that the authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; to provide for the use of public roads in the state by the authority; and to provide for certain annual reports by the authority.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Kennedy, Buskey (JE), Clark (W), and Zoghby (With Notice and Proof):

**H. 169.** Relating to the City of Mobile, to amend Act Number 31 of the Alabama Legislature, Second Special Session 1975, adopted March 10, 1975, and any amendments thereto, which relates to the incorporation in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census of an authority as a public corporation for the purpose of providing public transportation service in such county and the compensation of directors of any such authority.

By Rep. Harper (With Notice and Proof):

**H. 856.** Relating to Mobile County; changing the name of Mobile County High School.

By Reps. Clark (W) and Buskey (JE) (With Notice and Proof):

**H. 846.** Relating to the City of Prichard, Mobile County, and the pension and retirement fund for such city; amending further SECTION XII of Act No. 235, H. 290, 1963 Regular Session, as last amended, relating to the payment eligibility and the formula therefor of certain retirees, so as to provide for such eligibility.

By Reps. Kennedy, Zoghby, Buskey (JE), and Clark (W) (With Notice and Proof):

**H. 746.** To repeal Act No. 81-446, H. 679, 1981 Regular Session, entitled, "An Act Relating to Mobile County; to provide further for the compensation of election employees and officers," to repeal Act No. 85-694, H. 954, 1985 Regular Session, and to provide further for the compensation of election employees and officers.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Figures (With Notice and Proof) (With Substitute):

**S. 622.** Relating to Mobile County; providing for the compensation and payment of additional salary for members of the county governing body, and further providing that all expense allowance shall be deemed to constitute salary compensation, effective upon the next term of office.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedsole (With Notice and Proof):

**S. 626.** Relating to Mobile County; to provide the county treasurer an annual county salary of \$35,500.00, effective upon the expiration of the current term of office which, when effective, shall constitute the total compensation payable by the county to said official, in lieu of any other local salary, expense allowance, per diem or other compensation previously provided by law to said official.

By Senator Bedsole (With Notice and Proof):

**S. 629.** Relating to Class 2 municipalities and the payment of assessments to a municipality for local improvements, so as to provide further for payment of said assessment; and to provide for payment in installments of principal amounts in excess of \$1,000.00, which shall bear interest.

## **BUDGET ISOLATION RESOLUTION**

Senator Floyd, B.I.R., HB 115, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, and Smith (B), -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 115.** Relating to taxation in Etowah County; authorizing the Etowah County Commission to levy either a county gasoline tax not to exceed a certain amount that would remain in effect indefinitely or to levy a certain sales and use tax that would only be in effect from its imposition date until December 31, 1995, providing that whichever county tax is imposed shall be administered, enforced and collected as provided by law by the state revenue department under terms of contract with the county; providing for enforcement penalties; and providing that the proceeds of the revenue raised from whichever tax is so imposed shall be deposited in a special fund in the county treasury to be expended for construction and maintenance of a county jail and renovation of the existing county courthouse.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, and Smith (B) -25

Nays:

- 0

Senator Corbett requested and received permission to suspend the Rules in order to bring up the Bill:

**S. 391.** Relating to Jefferson County; to provide for the orderly and efficient collection of municipal business license taxes with respect to corporations, firms, brokers, agents and other engaged in the business of buying, selling, leasing, renting, managing or representing others in the

purchase, sale or lease of real property; and providing for an effective date.

On motion of Senator Waggoner, the Rules were suspended and further consideration of the Bill, SB 391, was postponed.

**BUDGET ISOLATION RESOLUTION**

Senator Waggoner requested and received permission to suspend the Rules in order to bring up the Bill, HB 546.

Senator Waggoner, B.I.R., HB 546, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), and Waggoner -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 546.** Relating to Jefferson County; to provide for the orderly and efficient collection of municipal business license taxes with respect to corporations, firms, brokers, agents and others engaged in the business of buying, selling, leasing, renting, managing or representing others in the purchase, sale or lease of real property; and providing for an effective date.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), and Waggoner -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Waggoner requested and received permission to suspend the Rules in order to bring up the Bill, HB 547.

Senator Waggoner, B.I.R., HB 547, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), and Waggoner  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 547.** To propose an amendment to the Constitution of 1901, for Jefferson County, pursuant to Amendment No. 425 of the Constitution providing further for license taxes on certain real estate operations and transactions; and to provide for implementation.

was read a third time at length as required by the Constitution and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), and Waggoner  
-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator deGraffenried requested and received permission to suspend the Rules in order to bring up the Bill, HB 454.

Senator deGraffenried, B.I.R., HB 454, adopted.



**REGULAR SESSION  
21st Day**

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Yeas 25   Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, deGraffenried, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 454.** Relating to the office of chief deputy sheriff in Tuscaloosa County; to provide that such office shall be an office in the unclassified service of the county; to prescribe the compensation of the chief deputy and provide for the payment thereof; and to authorize the sheriff of Tuscaloosa County to appoint the chief deputy sheriff.

was read a third time at length and passed.

Yeas 25   Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, deGraffenried, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator deGraffenried, B.I.R., HB 524, adopted.

Yeas 25   Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, deGraffenried, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 524.** Relating to Tuscaloosa County; abolishing the office of constable.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, deGraffenried, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Mitchell requested and received permission to suspend the Rules in order to bring up the Bill, HB 465.

Senator Mitchell, B.I.R., HB 465, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Figures, Floyd, Foshee, Horn, Langford, Lindsey, Lipscomb, Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (B), and Smith (J) -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 465.** Relating to the Town of Rutledge in Crenshaw County; providing further for the manner of electing the members of the city council so as to remove the designation of place number for any council member; providing method of voting for council members; providing for the elimination of runoff elections; prescribing that, except as herein

provided, all other laws or resolutions or ordinances governing the operation of the city council and its members shall continue.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Figures, Floyd, Foshee, Horn, Langford, Lindsey, Lipscomb, Mitchell, Owens, Parsons, Preuit, Sanders, Smith (B), and Smith (J)  
-25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Mitchell, B.I.R., HB 417, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Mitchell, Owens, Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**H. 417.** Relating to Pike County, to repeal Act 85-609, H. 1006 of the 1985 Regular Session (Acts of 1985, p. 935), which provided an expense allowance for members of the Pike County Commission.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Mitchell, Owens, Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Mitchell, B.I.R., HB 393, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial,  
Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford,  
Lindsey, Lipscomb, Mitchell, Owens, Parsons, Preuitt, Sanders,  
Smith (B), and Smith (J) -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:****H. 393.** To alter, rearrange and extend the boundary lines and corporate limits of the Town of Glenwood in Crenshaw County.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial,  
Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford,  
Lindsey, Lipscomb, Mitchell, Owens, Parsons, Preuitt, Sanders,  
Smith (B), and Smith (J) -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Lipscomb requested and received permission to suspend the Rules in order to bring up the Bill, HB 473.

Senator Lipscomb, B.I.R., HB 473, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried,  
Denton, Dial, Dixon, Ellis, Figures, Floyd, Horn, Langford, Lipscomb,  
Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B),  
Smith (J), and Waggoner -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 473.** Relating to Baldwin County; to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county; to provide for the collection and payment of such taxes and to provide for the distribution and the use of the funds derived therefrom; to authorize the Baldwin County Commission to make reasonable rules and regulations for the collection of such taxes; to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Baldwin County Commission for the collection of said taxes; and to authorize the county commission to levy two separate one-cent motor fuel taxes in the future.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), and Waggoner  
-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Lipscomb, B.I.R., HB 564, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), and Waggoner  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 564.** Relating to Baldwin County, providing further for the mileage reimbursement for the members of the county commission and providing for a retroactive effect.

was read a third time at length and passed.

Yeas 25 Nays 1

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), and Waggoner  
-25

Nay: Senator Windom

- 1

**BUDGET ISOLATION RESOLUTION**

Senator Lipscomb, B.I.R., HB 470, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 470.** Relating to the City of Gulf Shores in Baldwin County, so as to alter, rearrange and extend the boundary lines and corporate limits of the City of Gulf Shores.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Figures requested and received permission to suspend the Rules in order to bring up the Bill, HB 428.

Senator Figures, B.I.R., HB 428, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Windom  
-25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**H. 428.** To amend Section 11-43C-52, Code of Alabama 1975, relating to certain procedures under the mayor-council form of government for Class 5 municipalities, so as to provide further for the vote to override a line item veto of the mayor.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Windom  
-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Figures requested and received permission to suspend the Rules in order to bring up the Bill, HB 429.

Senator Figures, B.I.R., HB 429, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Figures, Hale, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 429.** To amend Section 11-43C-21, Code of Alabama 1975, relating to the powers of the council under the mayor-council form of government for Class 5 municipalities, so as to provide further that the council shall have the power to appoint certain employees to serve the council.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Figures, Hale, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Ellis, B.I.R., SB 3, adopted.



Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, deGraffenried, Denton, Dial, Ellis, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

**S. 3.** Relating to Shelby County; to provide an additional county salary to the probate judge for the remainder of the current term of office, which ends in January 1995, for loss of compensation as a result of being relieved of his duties as chairman of the Shelby County commission by a United States federal court order and relinquish use of automobile and expense account now receiving.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, deGraffenried, Denton, Dial, Ellis, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

### **BUDGET ISOLATION RESOLUTION**

Senator Corbett, B.I.R., SB 59, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bennett, Bolling, Corbett, Denton, Dial, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 59.** Relating to DeKalb County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes and the issuance of certain licenses under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official and providing for a referendum.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bennett, Bolling, Corbett, Denton, Dial, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bolling, B.I.R., SB 156, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 156.** Relating to Lamar County; and to repeal Act No. 81-629, H. 873, 1981 Regular Session (1981 Acts, p. 1046) entitled, "an act relating to Lamar County; to establish a special fund in the

county treasury to pay a bounty on beaver trapped or killed in Lamar County; to provide for the administration of said fund and bounty system."

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Floyd, B.I.R., SB 294, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 294.** Relating to Etowah County, to provide that the county commission shall have the power to levy and collect additional license or privilege fees upon persons engaging in businesses within the county and to provide for the disposition of the proceeds of such taxes.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Floyd, B.I.R., SB 295, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, and Smith (B) -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 295.** Relating to Etowah County, authorizing the county governing body to reimburse the tax assessor, tax collector, probate judge and revenue commissioner for losses incurred from certain worthless checks and other instruments; to require said officials insure their employees exercise due care and attempt to collect all funds due; and to provide retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, and Smith (B) -25

Nays:

- 0

**THE BILL:**

**S. 329.** Relating to Etowah County, to levy a privilege or license tax on every person engaged in the renting of real estate, to provide for the computation, collection and enforcement of said tax, to provide penalties for failure to pay said tax, to authorize the county commission to promulgate necessary rules and regulations, to provide that said tax information shall be confidential and to provide for the allocation of said tax receipts.

was taken up.

On motion of Senator Floyd, the Rules were suspended and further consideration of the B.I.R. and the Bill, SB 329, was postponed.

**BUDGET ISOLATION RESOLUTION**

Senator Barron, B.I.R., SB 405, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Hale, Horn, Langford, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 405.** Relating to Jackson County; providing certain expense allowances for the chairperson and associate members of the Jackson County commission.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Hale, Horn, Langford, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Barron, B.I.R., SB 61, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 61.** Relating to DeKalb County; imposing an additional delinquent payment penalty for late payment of the county portion of ad valorem taxes and providing that the proceeds from such additional penalty shall be deposited to the credit of the DeKalb County Rural Water Authority.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Barron, B.I.R., SB 408, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), and Smith (J) -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 408.** Relating to Jackson County; to amend further Section 1 of Act No. 79-473, S. 639, Regular Session 1979 (Acts 1979, p. 873), as amended, so as to provide further for distribution of funds received by the county from payments made in lieu of taxes made by the Tennessee Valley Authority.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, SB 408, to-wit:

**AMENDMENT TO SB 408**

Amend Senate Bill 408, Page 3, Section 2, Line 1, after the word "effective" by deleting the remainder of said section and inserting the following new language:

"October 1, 1991."

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), and Smith (J) -25

Nays:

- 0

And said Bill, SB 408, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), and Smith (J) -25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Bolling, B.I.R., HB 9, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**H. 9.** Relating to Lamar County; repealing Act No. 81-629, H. 873, Regular Session 1981 (Acts 1981, p. 1046) entitled "An Act Relating to Lamar County; to establish a special fund in the county treasury to pay a bounty on beaver trapped or killed in Lamar County; to provide for the administration of said fund and bounty system."

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0



**BUDGET ISOLATION RESOLUTION**

Senator Foshee, B.I.R., HB 40, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, and Smith (J) -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 40.** Relating to Covington County; to prohibit the placing of political signs, markers and advertising, on county controlled highways except for those signs or markers placed by or under the authority of the county.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, and Smith (J) -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Foshee, B.I.R., HB 59, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, and Smith (J) -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 59.** This bill amends Act No. 612, H. B. 1141, 1978 Regular Session, (Acts 1978, p. 869), relating to the creation of the Industrial Development Authority of Escambia County, so as to provide for additions to the membership of the Authority.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, and Smith (J) -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Foshee, B.I.R., HB 60, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 60.** Relating to Escambia County; providing further for expense allowances for the chairman and associate commissioners of the county commission to be paid from the county general fund and expiration date therefor and providing for a certain monthly salary for such chairman and associate commissioners to be effective after the next election with such salary to be in lieu of all salaries and expense

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allowances heretofore provided by law for such chairman and associate commissioners of the county commission.

was read a third time at length and passed.

Yeas 25   Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Foshee, B.I.R., HB 61, adopted.

Yeas 25   Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 61.**   Relating to Escambia County; to provide further for the compensation and expense allowance of certain county officials effective October 1, 1991.

was read a third time at length and passed.

Yeas 25   Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Foshee, B.I.R., HB 63, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 63.** Proposing a constitutional amendment to the Constitution of Alabama of 1901, relating to the distribution of oil and gas severance tax revenues in Escambia County, pursuant to Amendment 425 to the Constitution of Alabama of 1901.

was read a third time at length as required by the Constitution and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Floyd, B.I.R., HB 116, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Floyd, Horn, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 116.** Relating to Etowah County; authorizing the Etowah County Commission to levy a user fee on the issuance of all motor vehicle license tags for passenger automobiles and trucks of any nature in addition to any and all other charges, costs, taxes or fees levied thereon; and providing for the payment, collection and distribution of the net revenues from such user fees.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Floyd, Horn, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Foshee, B.I.R., HB 384, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Foshee, Hale, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 384.** Relating to Escambia County; authorizing the county commission to levy an additional or ad valorem tax to be used for educational purposes and providing for a referendum for approval of the tax by the qualified electors of the county.

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was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Foshee, Hale, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bolling, B.I.R., HB 446, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 446.** Relating to Marion County; to provide further for expense allowances for the chairman and associate commissioners of the county commission; and to provide for retroactive effect.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Smith (J), B.I.R., HB 571, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Smith (B), and Smith (J) -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**H. 571.** To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville in Madison County so as to exclude certain territory from the city.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Smith (B), and Smith (J) -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bennett, B.I.R., SB 417, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 417.** Relating to the City of Birmingham in Jefferson County; to amend sections 3 and 7 of Act No. 105, H. 24, Third Special Session 1971, (Acts 1971, p. 4325), so as to provide further for the process of weed removal from private property by amending the notice requirements and to authorize the collection of the special assessment by the county tax collector under the same procedures as those followed in collection of delinquent property taxes.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bennett, B.I.R., HB 349, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 349.** To authorize the county commission of Jefferson County, Alabama, acting pursuant to Amendment No. 373 to the Consti-



tution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated within the special school tax district subject to the jurisdiction and control of the Board of Education of the City of Mountain Brook, the special ad valorem tax for public school purposes which is authorized in Amendment No. 316 to the Constitution, to a maximum rate, for any tax year of the county, which is equal to \$1.85 on each one hundred dollars (18.5 mills on each dollar) of assessed value.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom  
-25

Nays:

- 0

#### BUDGET ISOLATION RESOLUTION

Senator Smith (J), B.I.R., SB 424, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, Smith (B), Smith (J), Wilson, and Windom  
-25

Nays:

- 0

#### BILLS ON THIRD READING RESUMED

##### THE BILL:

**S. 424.** To provide for a county law library in Madison County, and for the personnel, space, funding, operation, and maintenance thereof, making said law library part of a network with the other law libraries in the state for their mutual benefit; permitting the present Madison County law library to come under the provisions of this act if it elects to do so; and levying a library fee in certain court cases.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, SB 424, to-wit:

**AMENDMENT TO SB 424**

In Section 9, page 4, line 3, delete the figure "\$6.00" and in lieu thereof insert the figure:  
\$4.00

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Smith (B), Smith (J), Wilson, and Windom  
-25

Nays:

- 0

And said Bill, SB 424, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Smith (B), Smith (J), Wilson, and Windom  
-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Sanders, B.I.R., SB 455, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 455.** Relating to Lowndes County; providing further for the compensation of the county coroner and repealing Act No. 620, H. 795, 1967 Regular Session, as amended, and Act No. 515, H. 1135, 1965 Regular Session, as amended.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Little, B.I.R., SB 475, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, and Wilson  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 475.** Relating to the City of Opelika; to provide that the City of Opelika shall not exercise police jurisdiction or taxing power in any county unless a part of its corporate limits also lies in the county.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Little, B.I.R., SB 476, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Horn, Langford, Lindsey, Little, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), and Smith (J) -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 476.** Relating to Lee County, to impose a fee on the rental of video cassettes; to provide for the method of reporting and paying the fee; to provide for a fee for the revenue department for the collection of same; and to provide for penalties for failure to pay.

was taken up.

Senator Little offered the following amendment to the Bill, SB 476, to-wit:

**AMENDMENT TO SB 476**

Amend SB 476, Page 1, line 15 by deleting the language "revenue department" and inserting in place thereof the following:

"Lee County tax collecting official"

further amend SB 476, Section 2, Page 1, line 25 by deleting the language "department of revenue" and inserting in place thereof the following language:

"Lee County tax collecting official"

further amend SB 476, Section 2, Page 1, line 26 by deleting the language "department of revenue" and inserting in place thereof the following language:

"Lee County tax collecting official"

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Horn, Langford, Lindsey, Little, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), and Smith (J) -25

Nays:

- 0

And said Bill, SB 476, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Horn, Langford, Lindsey, Little, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), and Smith (J) -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bolling, B.I.R., SB 484, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Dixon, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 484.** Relating to Fayette County, repealing Act No. 673, H. 1882, 1973 Regular Session, and Act No. 465, H. 885, 1978 Regular Session, relating to the expense allowance of the county superintendent of education.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Dixon, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Smith (J), B.I.R., SB 498, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, and Smith (J) -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 498.** Relating to Limestone County; so as to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation, in the next term of office for sheriff.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, and Smith (J) -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Floyd, B.I.R., HB 114, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Denton, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 114.** Providing for a board of education for the City of Attalla, Alabama, to be elected by the qualified electors of said city; providing that the members of such board shall be elected from defined school districts; providing for the terms of office, qualifications and compensation of such members; prescribing procedures for electing such members and for filling vacancies on such board; providing for board

representation for persons not residing within a specific school district; providing certain immunity for such board members; providing for financial audits of the records of such board; and providing that this act shall become effective only upon the ratification of an amendment to the Constitution of Alabama 1901, authorizing an elected school board for the City of Attalla.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Denton, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Floyd, B.I.R, HB 130, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Denton, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**H. 130.** Proposing an amendment to the Constitution of Alabama of 1901, providing for the election of the members of the board of education in the City of Attalla, Alabama.

was read a third time at length as required by the Constitution and passed.



Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Denton, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Barron, B.I.R., HB 139, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 139.** Relating to Jackson County; providing further for the fees for the issuance of pistol permits; providing for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund; and repealing Act No. 211, H. 854, 1971 Regular Session, (Acts 1971, p. 507).

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Barron, B.I.R., HB 140, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Waggoner, Wilson, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 140.** Relating to the City of Scottsboro in Jackson County, granting certain authority to the electric power board.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, HB 140, to-wit:

**AMENDMENT TO HB 140**

Amend House Bill 140, Page 3, Section 4, Line 11, by deleting the word "interferred" and inserting in lieu thereof "interfered"

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Waggoner, Wilson, and Windom -25

Nays:

- 0

And said Bill, HB 140, as thus amended, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Waggoner, Wilson, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Sanders, B.I.R., HB 493, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Waggoner, Wilson, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 493.** Relating to Sumter County; providing certain additional compensation for the poll workers to be paid from the county general fund.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Waggoner, Wilson, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Lindsey, B.I.R., HB 588, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Lindsey, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 588.** Relating to Monroe County; to provide for a temporary expense allowance for the sheriff of Monroe County and for an expiration date thereof; to provide for an adjustment in said compensation; to provide for the manner in which such compensation shall be paid; and to provide for enactment dates for such expense allowance and salary.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Lindsey, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Lindsey, B.I.R., HB 589, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 589.** Relating to Clarke County; providing further for an expense allowance for members of the county commission.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bailey, B.I.R, HB 14, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 14.** To propose a constitutional amendment relating to Geneva County, providing that the legislature may by local law: 1) require or authorize the county governing body to levy, administer, collect and enforce additional county license taxes and registration fees on motor vehicles; 2) provide for the distribution of the proceeds of said taxes and fees; and 3) provide for certain exemptions.

was read a third time at length as required by the Constitution and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Campbell, B.I.R., HB 578, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Hale, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 578.** Providing further for the compensation and expense allowances or other benefits of the superintendent of education of Morgan County upon the expiration of the current term of office; repealing conflicting laws or parts of laws; and specifically repealing Act. No. 87-257, H. 183, 1987 Regular Session (Acts 1987, p. 360).

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Hale, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bailey, B.I.R., HB 13, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, Corbett, deGraffenried, Figures, Floyd, Foshee, Ghee, Hale, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 13.** Relating to Geneva County; providing for the mode of establishing the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Geneva County; providing for an advisory referendum called for such purpose; and providing for an effective date.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, Corbett, deGraffenried, Figures, Floyd, Foshee, Ghee, Hale, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bailey, B.I.R., HB 12, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 12.** Relating to Geneva County, to require the county governing body to levy an annual license tax and registration fee on certain motor vehicles; to provide for the collection, administration and enforcement of said tax and fees and the distribution of the proceeds of said tax and fees; to provide for certain exemptions; and to condition the operation of said act upon the adoption of a local constitutional amendment and approval of this act by the voters at a referendum provided for herein.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bennett, B.I.R., HB 407, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom -25

Nays:

- 0



**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 407.** Relating to Jefferson County; amending Act No. 970, S. 378, 1961 Regular Session, as amended, which provides for the issuance of motor vehicle license plates by mail, so as to increase the fee for such issuance in counties having a population of 600,000 or more according to the last or any subsequent federal census.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Sensors:

Amari, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bennett, B.I.R., HB 483, adopted.

Yeas 25 Nays 0

Yeas:

Sensors:

Amari, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 483.** Relating to the City of Birmingham in Jefferson County; to amend sections 3 and 7 of Act No. 105, H. 24, Third Special Session 1971, (Acts 1971, p. 4325), so as to provide further for the process of weed removal from private property by amending the notice requirements and making optional the collection of the special assess-

ment by the county tax collector.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial,  
Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey,  
Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B),  
Waggoner, and Windom -25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Bennett, B.I.R., HB 526, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial,  
Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey,  
Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B),  
Waggoner, and Windom -25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**H. 526.** Relating to Jefferson County; to provide that the Jefferson County commission shall have authority to remove or demolish buildings and structures, or parts thereof, when the same are found by the county commission to be unsafe to the extent of being a public nuisance; to provide for a hearing by the county commission if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment to constitute a lien on said property; to provide methods of collecting such assessments; and to authorize the tax collector to collect such assessments.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom  
-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bedsole, B.I.R., SB 499, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Figures, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, and Windom  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 499.** Relating to Mobile County; amending Act No. 87-663, S. 498, 1987 Regular Session (Acts 1987, p. 1172), which provides for the acceptance of certain unimproved roads and regulates the construction of certain other unimproved roads, so as to provide further for the construction of certain roads; and providing additional exemptions thereto.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Figures, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, and Windom  
-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Figures, B.I.R., HB 687, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 687.** To propose an amendment to the Constitution of 1901, to authorize certain investments of the assets of Class 2 municipality police and fire fighter pension plans.

was read a third time at length as required by the Constitution and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), and Windom -25

Nays:

- 0

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 408.** Relating to Jackson County; to amend further Section 1

of Act No. 79-473, S. 639, Regular Session 1979 (Acts 1979, p. 873), as amended, so as to provide further for distribution of funds received by the county from payments made in lieu of taxes made by the Tennessee Valley Authority.

JIM PREUITT,  
Chairperson.

### RESOLUTION

Senator Langford requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 93. COMMENDING DELTA SIGMA THETA SORORITY, INC., SOUTHERN REGIONAL CONFERENCE, ON THE SPONSORSHIP OF "DELTA YOUTH DAYS," JUNE 25-27, 1991.**

WHEREAS, Delta Sigma Theta Sorority, Inc., founded in 1913 at Howard University in Washington, D. C., is under the current leadership of Dr. Yvonne Kennedy, a Southerner and native-born Alabamian who is serving as the Sorority's National President, and under whose guidance, Delta Sigma Theta has greatly increased its prominence as a viable force among like public service organizations; and

WHEREAS, Delta Sigma Theta has traditionally centered its activities around Educational Development, Economic Development, Physical and Mental Health, Political Awareness and Involvement, and International Awareness and Involvement; and

WHEREAS, relating to Educational Development, and to Political Awareness and Involvement, among the sorority's five above-named programmatic thrusts, the Southern Regional Conference of Delta Sigma Theta is sponsoring "Delta Youth Days" at the Alabama State Capitol, June 25-27, 1991, inclusively, and featuring a "Delta Youth Legislature" among its many activities; and

WHEREAS, this is indeed a significant event, initiated by Dr. Kennedy and specifically structured by the Southern Regional Conference to educate and favorably impact upon our youth and, most particularly, upon the state's young men and women of today who will guide Alabama forward in the future through political awareness and involvement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

**BOTH HOUSES THEREOF CONCURRING**, That we hereby most highly commend Delta Sigma Theta Sorority, Inc., on the organization's impact to the good of all humankind, and on its Southern Regional Conference sponsorship of "Delta Youth Days" at the Alabama State Capitol, June 25-27, 1991.

**BE IT FURTHER RESOLVED**, That a copy of this resolution be prepared for presentation during the opening session of Delta Sigma Theta's "Delta Youth Days" at the State Capitol.

On motion of Senator Langford, the Rules were suspended and the Resolution was adopted by the Senate.

### **REPORT FROM RULES**

Senator Preuit, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**HJR 259. DESIGNATING "INDEPENDENT COMMUNITY BANKING WEEK" IN ALABAMA, THE WEEK OF SEPTEMBER 15-21, 1991.**

And on motion of Senator Smith (B), said Resolution, HJR 259, was concurred in and adopted by the Senate.

### **RESOLUTIONS**

Senators Bennett, Dial, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 94. COMMENDING THE JACKSONVILLE STATE UNIVERSITY BASEBALL TEAM AS NCAA DIVISION II NATIONAL BASEBALL CHAMPIONS FOR 1990 AND 1991.**

**WHEREAS**, the Jacksonville State University Gamecock baseball team has brought national distinction to the University, the community and the State of Alabama by winning consecutive NCAA Division II National Baseball Championships in 1990 and 1991; and

WHEREAS, Jacksonville State University made its fourth consecutive NCAA Division II Baseball Championship appearance, and seventh overall; and

WHEREAS, the Gamecocks established new NCAA Division II Championship game records for most runs (20), most runs in one inning (11), and largest margin of victory (16) in their 20-4 victory over Missouri Southern State College for the 1991 title; and

WHEREAS, Rudy Abbott, head coach and Alabama's all-time winningest coach, achieved career victory No. 700 in the 1991 title game; and

WHEREAS, Jacksonville State University pitcher Tim VanEgmond was named the Most Outstanding Player of the NCAA Division II Baseball Championship for the second consecutive year, and was selected to the NCAA Division II Baseball Championship All-Tournament Team; and

WHEREAS, Jacksonville State University catcher Randy Belyeu was named to the American Baseball Coaches Association All-America squad, in addition to the NCAA Division II Baseball Championship All-Tournament Team; and

WHEREAS, teammates Drake Ibsen and Craig Holman were honored by selection to the NCAA Division II Baseball Championship All-Tournament team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement as consecutive NCAA Division II National Baseball Champions in 1990 and 1991, we hereby most highly commend and congratulate the Jacksonville State University Gamecock baseball team, and direct that copies of this resolution be forwarded to Coach Rudy Abbott for appropriate presentation and University display.

On motion of Senator Bennett, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Hale requested and received permission to offer the following Senate Resolution, to-wit:

**SR 95. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE ALABAMA SUPREME COURT REGARDING HOUSE BILL 204.**

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the pending bill, House Bill 204, a copy of which is attached to this resolution and made a part hereof by reference.

House Bill 204, as amended and substituted by the House of Representatives and as now engrossed and pending in the Senate, contains a title which states:

"To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the state, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1992."

Section 3 of House Bill 204 as engrossed provides that monies appropriated in House Bill 204 shall not be expended by a state entity to employ or contract to employ more persons than the highest number of persons employed or contracted to be employed during any point in time in the last two fiscal years. Section 4 provides that monies appropriated in House Bill 204 shall not be expended for the purchase or lease of automobiles. Neither Section 3 nor Section 4 of House Bill 204 as engrossed was included in House Bill 204 as originally introduced.

1. Does House Bill 204 as engrossed violate Section 61 of the Constitution of 1901 which provides in part "no bill shall be so altered or amended on its passage through either house as to change its original purpose"?

2. Does House Bill 204 as engrossed violate Section 45 of the Constitution of 1901 which provides in part that "each law shall contain but one subject, which shall be clearly expressed in its title"?

3. Does House Bill 204 as engrossed violate Section 71 of the Constitution of 1901 which provides in part, "The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments of the state, for interest on the public debt, and for the public schools. ... All other appropriations shall be made by separate bills, each embracing but one subject."?

RESOLVED FURTHER, That the Secretary of the Senate is



hereby directed to send sufficient true copies of the pending bill, House Bill 204 as engrossed, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

Which was adopted.

Senator Corbett requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 96. DESIGNATING THAT PORTION OF U. S. HIGHWAY 431 AND ALABAMA HIGHWAY 1, FROM THE CITY LIMITS OF PHENIX CITY SOUTH ALONG SAID HIGHWAY TO STATE MILE MARKER 112 IN RUSSELL COUNTY, ALABAMA, AS "MARTIN LUTHER KING PARKWAY."**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in response to the request of the Russell County Commission, we hereby name and designate that portion of U. S. Highway 431 and Alabama Highway 1, from the City Limits of Phenix City south along said highway to State Mile Marker 112 in Russell County, Alabama, as the "Martin Luther King Parkway."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating said highway portion as "Martin Luther King Parkway."

RESOLVED FURTHER, That a copy of this resolution be forwarded to the Russell County Commission.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

#### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Corbett:

**S. 642.** To repeal Section 27-30-16, Code of Alabama 1975, which provides for reserve valuation law for cash benefits payable under policies issued by Mutual Aid Associations.

Committee on Economic Affairs

By Senators Preuitt and Corbett:

**S. 643.** To provide for the reopening of the employees' retirement system for certain active members who had employment with the Alabama Legislature prior to 1979.

Committee on Economic Affairs

By Senator Preuitt:

**S. 644.** Proposing an amendment to the Constitution of 1901 to provide for the prohibition of abortions in the state except to save the life of the mother, or in reported cases of specified rape or incest; to provide certain affirmative defenses for rape and incest; to provide that the woman upon whom the abortion is being performed is not subject to criminal penalties; to provide otherwise criminal penalties for the crime of abortion; to provide certain reporting requirements and criminal penalties for failing to report; and to provide that this amendment supersedes Section 13A-13-7 of the Code of Alabama 1975, and all laws or parts of laws in conflict therewith.

Committee on Health

The above Bill was read a first time at length as required by the Constitution.

By Senator Sanders:

**S. 645.** To increase the number of trustees on the Board of Trustees of Selma University and provide for their appointment.

Committee on Education

By Senator Sanders:

**S. 646.** To authorize each county in the state to acquire, own and operate one or more jails, prisons or other criminal detention facilities; to grant to each county the power to enter into agreements with other governmental entities pursuant to which inmates are transferred from other jurisdictions to be incarcerated within a facility maintained by such county; to specify the conditions under which each county may enter into such agreements with governmental entities located outside the state of Alabama; to provide for the respective responsibilities of the sheriff of each county and the county commission of each county with respect to the maintenance and operation of any such facility; to authorize said sheriff and said county commission to delegate or assign all or a portion of such responsibilities to others pursuant to contract; to provide for a referendum of the voters of any county on the question of whether this act will become effective in such county; to provide for the disposition of the net revenues received by any county from the operation of any jail, prison or other criminal detention facility pursuant to this

act; to grant certain rights and powers to the Alabama department of corrections and the commissioner thereof with respect to the approval of any such facility and the monitoring of the operation thereof; and to provide that any contracts entered into by a county or by a sheriff of a county pursuant to the provisions of this act shall be exempt from competitive bid laws.

Committee on Governmental  
Affairs/Local Government

By Senator Sanders (With Notice and Proof):

**S. 647.** To alter, rearrange and extend the boundary lines and corporate limits of the town of Mosses in Lowndes County.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 647, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Bennett:

**S. 648.** To amend section 16-28-4, Code of Alabama 1975, relating to the minimum age at which a child may enter school, so as to allow a child born in September 1986, 1987 or 1988 to enter kindergarten or first grade as he would have been eligible to enter before the cutoff enrollment date was changed from October 1 to September 1.

Committee on Education

By Senator Bennett:

**S. 649.** To amend Sections 16-13-62 and 16-13-64, Code of Alabama 1975, to further provide for local funding of local school systems.

Committee on Finance  
and Taxation

By Senator Ellis:

**S. 650.** To levy a privilege tax on persons engaged within the state in the business of providing solid wastes collection services, to

define certain terms and to provide for certain tax exemptions, to provide certain reporting requirements, to permit the revenue commissioner to ascertain and assess the tax and require the production of records and information in certain instances, to prescribe certain criminal and civil penalties for violating the provisions of the act, to create a fund for said tax proceeds and to provide for the distribution of money in said fund by the department of economic and community affairs to certain entities for recycling programs.

Committee on Finance  
and Taxation

By Senator Amari:

**S. 651.** Relating to the compensation of certain department heads or members of the governor's cabinet.

Committee on Governmental  
Affairs/State Administration

By Senator Amari (With Notice and Proof):

**S. 652.** Relating to Jefferson County; prohibiting the county and municipalities and instrumentalities thereof from expending funds for certain contracts not subject to the competitive bid laws to be performed by any person or firm in which any owner, director, officer or employee is related by blood or marriage to an elected officer of the county or municipality which is a party to the contract.

Committee on Local  
Legislation No.2

I hereby certify that the notice and proof is attached to the Bill, SB 652, as required in the General Acts of Alabama, 1975, Act No. 919.

MCDOWELL LEE,  
Secretary.

By Senator Windom (With Notice and Proof):

**S. 653.** Relating to Mobile County; requiring the Mobile County Personnel Board and its employing jurisdictions to establish a drug testing program for employees; requiring the Personnel Board and its employing jurisdictions to establish a drug-free workplace policy and implementation plan; and requiring contractors and vendors transacting

business with employing jurisdictions to establish drug-free workplace policies.

Committee on Local  
Legislation No. 3

I hereby certify that the notice and proof is attached to the Bill, SB 653, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Little:

**S. 654.** To amend Sections 6-6-310 and 35-9-6, Code of Alabama 1975, relating to civil procedure in termination of tenancy situations, so as to remove the necessity for demand for possession and to provide further for the notice requirements.

Committee on Judiciary/Civil

By Senator Little:

**S. 655.** To amend Section 35-9-1 of the Code of Alabama 1975, relating to landlord and tenant law, so as to provide for an implied covenant in every lease regarding action which threatens the welfare of the tenant, other tenants, or other persons on the premises.

Committee on Judiciary/Civil

By Senator Little:

**S. 656.** To amend Sections 35-9-83, 35-9-85 and 35-9-87, Code of Alabama 1975, relating to eviction actions, so as to provide further for removal to circuit court by the tenant and for appeals in said actions.

Committee on Judiciary/Civil

By Senator Little (With Notice and Proof):

**S. 657.** Relating to Tallapoosa County; providing for the mode of establishing the construction, maintenance and repair of public roads, highways, bridges and ferries under a modified county unit system; authorizing and requiring the county commission to employ and regulate

the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county commission in relation to the roads, bridges and ferries of Tallapoosa County; and specifically repealing Act No. 88-121, H. 437, 1988 Regular Session.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 657, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator deGraffenried:

**S. 658.** To provide further for the administrative procedures of the revenue department relating to the taxpayers' rights concerning refunds, penalties, assessments and appeals; to establish new uniform procedures for the administration of taxes administered by the department of revenue; to amend certain sections of Titles 11, 22, 32, 35 and 40 and to repeal certain sections of Titles 9, 22, 32 and 40, Code of Alabama 1975, relating to specific procedures for specific taxes, so as to standardize procedures for administering the revenue laws and to remove certain ambiguities and conflicts; to provide further for penalties; and to provide an effective date.

Committee on Public Welfare

By Senators Horn, Foshee, and Barron:

**S. 659.** Authorizing the property inventory control division of the state auditor's office to automate the property inventory control system of the state and to charge and collect from each state department or agency for its inventory services on state personal property authorized under Section 36-16-8 of the Code of Alabama 1975; authorizing the state auditor to promulgate administrative rules and procedures for automating and for charging and collecting for such inventory services and providing that the proceeds from such charges shall be deposited in a special state property control fund in the state treasury to be used to support the property inventory control functions of the state auditor's office; creating the special fund in the state treasury to which such charges will be deposited; and making an appropriation to the auditor's

office from that fund for the fiscal year ending September 30, 1991 and September 30, 1992.

Committee on Finance  
and Taxation

### RESOLUTIONS

Senators Foshee and Preuitt offered the following Senate Joint Resolution, to-wit:

**SJR 97. CREATING A DEPARTMENT OF ENVIRONMENTAL MANAGEMENT PERMANENT LEGISLATIVE OVERSIGHT COMMITTEE.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Department of Environmental Management Permanent Legislative Oversight Committee. The committee shall be a permanent committee which shall continue from year to year until terminated by the manner in which it was created. The committee shall be composed of eight (8) members, four (4) members of the Senate to be appointed by the President of the Senate and four (4) members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Members shall serve until the expiration of the term of office of the appointing authority and vacancies shall be filled in the same manner as the original appointment for the remainder of the term. The committee shall elect a chairman and vice-chairman at the first meeting of the committee and shall adopt all necessary rules of procedure.

Each member of the committee shall be entitled to regular legislative compensation, and per diem and travel expenses for each day he or she attends a meeting of the committee, which shall be paid out of the funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman, provided, however, that members shall not receive additional compensation or per diem when the Legislature is in session. Clerical help shall be furnished by the Secretary of the Senate and the Clerk of the House.

The committee shall:

(1) advise the Environmental Management Commission as established by Section 22-22A-6 of the Code of Alabama 1975, in the

appointment of the director for the Department of Environmental Management;

(2) advise the director of the Department of Environmental Management regarding matters which are within the department's scope of authority, and review all actions taken by the director;

(3) advise the Environmental Management Commission regarding the establishment, adoption, promulgation, modification, repeal and suspension of any rules, regulations, or environmental standards for the department which may be applicable to the state as a whole or any of its geographical parts;

(4) assist the commission and the department in the development and implementation of environmental policy for the state, and review all policy decisions of the commission and the director;

(5) review and monitor the fiscal operations of the department; and

(6) review and monitor all other aspects of the department to insure that the intent of the Legislature in creating said Department of Environmental Management is fulfilled and that the department's statutory purposes and mandates are lawfully satisfied.

The Department of Environmental Management Permanent Legislative Oversight Committee shall have the power to:

(1) recommend funding for the department to the House Ways and Means Committee and the Senate Finance and Taxation Committee, and said committees and the Legislature shall give due consideration to said recommendations;

(2) employ, within the limits of funds available to the committee, any person, persons, firms or corporations deemed necessary by the committee to carry out the duties, functions and purposes of the committee;

(3) request and receive technical assistance and data from appropriate state agencies, departments, entities and educational institutions, including the Department of Environmental Management;

(4) conduct public hearings and consult with groups and individuals, including public interest groups;



(5) review all bills originating in either house of the Legislature pertaining to the Department of Environmental Management and issue recommendations on said legislation, which recommendation shall be given due consideration by the Legislature;

(6) review the books and records of the Department of Environmental Management necessary for the committee to perform its functions and require the department to report on a regular basis its activities;

(7) call witnesses to testify under oath and issue subpoenas and subpoena duces tecum pursuant to the Alabama Rules of Civil Procedure in order to carry out and fulfill the functions and duties of the committee as specified herein; and

(8) distribute reports, findings and recommendations to the Legislature, the Governor and other persons.

The Legislature of Alabama hereby declares that the purpose of the creation of this committee is to protect legitimate and vital state interests.

Which was read and referred to the Standing Committee on Rules.

Senators Bedsole and Windom offered the following Senate Joint Resolution, to-wit:

**SJR 98. REQUESTING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO DIRECT CERTAIN PERSONS EXCAVATING SANDY SEDIMENT TO USE SUCH SEDIMENT FOR CERTAIN BEACH RESTORATION AND EROSION CONTROL.**

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Department of Environmental Management is hereby authorized to direct that any person or governmental agency, responsible for the excavation of sandy sediment as a result of any activity conducted to maintain navigable depths within or immediately adjacent to any coastal barrier beach inlet shall use such sediment for beach nourishment.

**BE IT FURTHER RESOLVED,** That the governor and the state attorney general are hereby urged to enter into agreements, contracts, memorandum agreements or compacts with the authorized agents of the United States Corps of Engineers for the purpose of beach erosion control, beach restoration and beach nourishment projects and protection against environmental damage to the littoral system of this state and for areas of historical significance or for preservation.

**RESOLVED FURTHER**, That the Department of Environmental Management shall annually report to the Legislature the status of any changes to the previously adopted procedures for determining erosion projections and that a copy of this resolution be sent forthwith to the Department.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills, and finds same correctly engrossed, to-wit:

**S. 424.** To provide for a county law library in Madison County, and for the personnel, space, funding, operation, and maintenance thereof, making said law library part of a network with the other law libraries in the state for their mutual benefit; permitting the present Madison County law library to come under the provisions of this act if it elects to do so; and levying a library fee in certain court cases.

Also:

**S. 476.** Relating to Lee County, to impose a fee on the rental of video cassettes; to provide for the method of reporting and paying the fee; to provide for a fee for the Lee County tax collecting official for the collection of same; and to provide for penalties for failure to pay.

**JIM PREUITT,**  
Chairperson.

### **RESOLUTIONS**

Senators Bedsole and Windom offered the following Senate Joint Resolution, to-wit:

**SJR 99.** COMMENDING JANICE MUNDLE OF MOBILE AS ALABAMA'S 1991 NURSE OF THE YEAR.

**WHEREAS**, in consensus of highest commendation, the Legislature of Alabama congratulates Janice Mundle of Mobile, Alabama, upon her selection as Alabama Nurse of the Year for 1991, an outstanding

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honor bestowed annually by the Alabama Association of School Nurses in recognition of the exemplary practice of school nursing and child advocacy; and

WHEREAS, a graduate of the University of New York at Buffalo, a former school nurse in New Orleans for eight years and a school nursing administrator for 18 months in Guam, Mrs. Mundle has worked for the past four years as a special education nurse with the Mobile County Public School System; and

WHEREAS, Mrs. Mundle, who is responsible for the needs of special education students in 25 Mobile County schools, is a highly dedicated professional whose many accomplishments reflect her outstanding organizational skills, and her dedication to each and every task at hand in her endeavors to solve the myriad of problems faced not only by her students, but their families as well; and

WHEREAS, thoroughly knowledgeable, resourceful and concerned, she works tirelessly on an on-going basis and also in emergency situations to provide the equipment and facilities necessary to special education children enrolled in regular school programs; and

WHEREAS, she further contributes to the nursing field through activities and involvement in a number of professional organizations, and her contributions and achievements have been recognized previously through the bestowal of such distinctions as the Ann Walker Sengbush Award for leadership and a teaching fellowship at State University of New York in medical, surgical and pediatric nursing; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Janice Mundle of Mobile, Alabama, as our state's 1991 School Nurse of the Year, and do further direct that she receive a copy of this resolution of sincere warm praise and regard.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Denton offered the following Senate Joint Resolution, to-wit:

**SJR 100. COMMENDING REYNOLDS METALS COMPANY ON THE OCCASION OF ITS 50TH ANNIVERSARY OF OPERATION.**

WHEREAS, the Alabama Legislature notes with commendation the Fiftieth Anniversary observance of the operation of the Reynolds Metals Company near Sheffield, Alabama, October 25 and 26, 1991; and

WHEREAS, Reynolds Metals Company, a producer of metals and other materials through its worldwide operations, is a progressive company serving growth industries that has been dedicated to superior product quality and technological leadership since its founding in 1919 as U. S. Foil Company and its incorporation in 1928 under its present name; and

WHEREAS, Reynolds Metals Company is one of the world's largest producers of aluminum and aluminum products with 30,800 employees at more than 100 operations in 20 countries, including 64 plants in the United States, with a total production capacity of more than 840,000 tons; and

WHEREAS, Reynolds Metals Company is the world's leader in aluminum can-making technology, and is a pioneer and leader in aluminum can recycling with the nation's largest consumer recycling network; and

WHEREAS, Reynolds Metals Company established its Alabama operation in 1941 and, known as the Listerhill Complex, was named for the late U. S. Senator Lister Hill from Alabama who gave inspiration and support to the company's founder, R. S. Reynolds, Sr., and who agreed with Mr. Reynolds that the volatile world situation made necessary an increase in the country's aluminum capacity in order to strengthen America for the inevitable world struggle; and

WHEREAS, the Listerhill Complex in Alabama is Reynolds largest complex, comprised of the Alloys Plant, Alabama Reclamation Plant, the Manufacturing Technology Laboratory, and a subsidiary, Southern Reclamation Company, and employs 2,700 people, pays \$164 million in annual wages and benefits, and spends over \$300 million annually for operating expenses; and

WHEREAS, Reynolds also operates a residential building products service center and an aluminum distributorship in Birmingham, in addition to a Reynolds Aluminum Recycling Center in Florence, and other recycling centers across the state; and

WHEREAS, the management and employees of Reynolds Metals Company are actively involved in the improvement of the Shoals area, and take great pride in working with local charities and organizations to

make the Shoals a better place in which to live and work; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That with sincere best wishes for every future success, and on the occasion of their Fiftieth Anniversary celebration, we hereby extend heartiest congratulations to the management and employees of Reynolds Metals Company on the corporation's sterling record; we also express our gratitude for its economic base and for the numerous other notable contributions to the Shoals area and the State of Alabama, and direct that a copy of this resolution be provided for appropriate presentation and display by the company.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Amari requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 101. SUPPORTING THE ESTABLISHMENT OF A SILVER HAired LEGISLATURE.**

WHEREAS, about half of the fifty states now have Silver Haired Legislatures to educate the elderly about issues that are of local, state and national concern; and

WHEREAS, the Silver Haired Legislatures are comprised of persons aged sixty and over who are elected from districts and, during their term of office, are educated in many aspects of the legislative process through participation in bill drafting, committee work, testifying and debate on vital issues of concern to the elderly; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby support the establishment of an Alabama Silver Haired Legislature to be patterned after the state Legislature and desire that it work in cooperation with the Alabama network on aging including the Alabama Commission on Aging, the area agencies on aging and their sponsoring organizations.

BE IT FURTHER RESOLVED, That the sessions of the Silver Haired Legislature shall not conflict with the sessions of the Legislature and may be held in the chambers of the Senate and House of Representatives of the Legislature of Alabama in accordance with the rules of order of each house.

RESOLVED FURTHER, That the Alabama Commission on Aging and other agencies and the Legislative Fiscal Office and Legislative Reference Service shall provide support such as technical assistance and data as the Silver Haired Legislature may require and that the Clerk of the House and the Secretary of the Senate shall provide assistance.

Which was read and referred to the Standing Committee on Rules.

### BUDGET ISOLATION RESOLUTION

Senator Bennett, B.I.R., SB 315, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom -25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 315.** Relating to Jefferson County; amending sections 4 and 5 of Act No. 765, H. 675, 1969 Regular Session (Acts 1969, p. 1358) relating to the creation of a public bureau for the purpose of attracting conventions and visitors to every county having a population of 500,000 or more, so as to permit any county with area within the metropolitan area of the largest city in the county within such population span to come under the provisions of the act; and to provide further for the board of directors of the bureau in certain circumstances.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom -25

Nays:

- 0

**RESOLUTIONS**

Senators Little, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom requested and received permission to offer the following Senate Resolution, to-wit:

**SR 102. CONGRATULATING PATRICIA SKELTON AND WALLACE HENRY "PAT" LINDSEY ON THEIR MARRIAGE, JUNE 6, 1991.**

WHEREAS, it is with great personal pleasure that the Alabama Senate extends best wishes to the former Patricia "Tricia" Skelton and our friend and colleague Senator W. H. "Pat" Lindsey of Butler, who were married June 6, 1991; and

WHEREAS, the marriage, as noted above, took place on Thursday, the 6th of June, the session's 17th legislative day; an early adjournment at 12:10 a.m., however, allowed plenty of time for Senator Lindsey to "make it to the church on time" -- or, in this case, the home of longtime friends, Hazel and W. J. Bruister, also of Butler, where the ceremony took place at 6:00 p.m.; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That in shared happiness and joy with the bride and groom, we hereby extend congratulations and all good wishes to Tricia and Pat Lindsey on their June 6, 1991, wedding.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to our friend, Pat Lindsey, that he and Tricia may know of our best regards and kindest thoughts for a long lifetime together with much happiness and joy.

Which was adopted.

Senators Little and Foshee offered the following Senate Joint Resolution, to-wit:

**SJR 103. COMMENDING WILLIAM HAROLD ALBRITTON, III, OF ANDALUSIA, ALABAMA, UPON HIS APPOINTMENT TO THE FEDERAL JUDICIARY.**

WHEREAS, the Legislature of Alabama most warmly

congratulates and commends William Harold Albritton, III, of Andalusia, Alabama, as district judge for the Middle District of Alabama; and

WHEREAS, a prominent Andalusia attorney, Mr. Albritton is a partner and fourth-generation member of the family law firm and is president of the Alabama State Bar; he is a Phi Beta Kappa graduate of the University of Alabama and is a graduate also of the University's School of Law, receiving his degree in 1960; and

WHEREAS, Mr. Albritton was nominated by President Bush, March 7, 1991, to fill a vacancy in the Middle District, and his appointment was unanimously approved on May 9th by the U.S. Senate's Judiciary Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and as he assumes his position as a district judge for the Middle District of Alabama in Montgomery, we hereby most highly commend W. Harold Albritton, III, of Andalusia, Alabama, whom we wish every future success in life and for whom a copy of this resolution shall be provided.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Little offered the following Senate Joint Resolution, to-wit:

**SJR 104. COMMENDING WILLIAM D. LAZENBY OF OPELIKA AS PRESIDENT OF THE MEDICAL ASSOCIATION OF THE STATE OF ALABAMA.**

WHEREAS, it is with great pleasure that the Legislature of Alabama congratulates William D. Lazenby, M.D., of Opelika upon his election as president of the Medical Association of the State of Alabama (MASA) for the term 1991-92; and

WHEREAS, a native of Lee County, Alabama, Dr. Lazenby is a graduate of Auburn University where he was president of the Pre-Medical Honor Society, and of Emory University where he received his medical degree and was president of the Student American Medical Association; and

WHEREAS, in 1964, having completed both his internship and residency at Emory, Dr. Lazenby returned to Lee County where he has



continued in practice for the past 27 years, and where he was instrumental in the establishment of the Medical Arts Center of East Alabama which has expanded to include some 50 physicians in a multispecialty medical complex; and

WHEREAS, Dr. Lazenby, in addition to his large surgical practice, has also provided outstanding professional leadership as president of the Medical Arts Center of East Alabama since its inception; as a founder of the Surgical Clinic of East Alabama; as a member of the Council on Continuing Medical Education; as a member, vice-chairman and Censor at Large on the Board of Censors; as president-elect and now president of ASMA; and through simultaneous service on the Board of Medical Examiners and the State Committee of Public Health; and

WHEREAS, further, Dr. Lazenby is active in numerous civic and community affairs and these involvements have included membership and/or leadership positions in such organizations as the Opelika Chamber of Commerce and its Board of Directors, Rotary Club, and the Board of Directors of the Farmers National Bank, among others; and

WHEREAS, he also is the 1985 Outstanding Citizen of the Year for the City of Opelika, a Rotary Paul Harris Fellow and, as a cattleman for the past 20 years and a registered Angus breeder for more than 30 years, has the second and third largest herd of Angus cattle in the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dr. William D. Lazenby for distinguished professional achievement and service; we congratulate him as the current president of the Medical Association of the State of Alabama; and do further provide that he receive a copy of this resolution of sincere appreciation and regard.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Little then offered the following Senate Joint Resolution, to-wit:

**SJR 105. COMMENDING NATHAN ANDREW BALLARD OF AUBURN ON HIS ELECTION AS ALABAMA YOUTH GOVERNOR, 1991-1992.**

WHEREAS, the Legislature of Alabama, in highest

commendation, congratulates Nathan Andrew Ballard of Auburn upon his election as Alabama Youth Governor for 1991-1992, and as the first write-in candidate ever to be elected governor of the YMCA Youth Legislature; and

WHEREAS, for Nathan Ballard, however, this historic election is counted among numerous other accomplishments as an honor student at Auburn High School, and as a young man of outstanding leadership ability; and

WHEREAS, in Government Club participation since his freshman year, Nathan Ballard served in numerous capacities including Speaker Pro-Tem and Vice President, and will serve as Government Club President as a senior; and

WHEREAS, he also has been involved in Student Council activities at the school, state and national levels for the past three years; is president of the National French Honor Society, vice president of the Foreign Language Club and photography editor for the Annual Staff; and is a member of the National Honor Society, Mu Alpha Theta, Key Club, Judicial Club and the Auburn High School tennis team; and

WHEREAS, in further achievement, Nathan Ballard was recognized as the Hugh O'Brien Outstanding Sophomore (1990), served as Century III Scholarship State Student Judge (1989-91), and was ranked 9th nationally as a freshman and 14th nationally as a sophomore in the Global Challenge Test; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and as Alabama Youth Governor for 1991-1992, we hereby most highly commend Nathan Andrew Ballard of Auburn, Alabama, for whom a copy of this resolution of sincere praise and regard shall be provided.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Little then offered the following Senate Joint Resolution, to-wit:

**SJR 106. COMMENDING MEL ROSEN FOR DISTINGUISHED SERVICE TO AUBURN UNIVERSITY.**

WHEREAS, in noting with regret the retirement of Auburn Uni-

versity Track Coach Mel Rosen, we herein most highly commend his many personal accomplishments, and his numerous achievements on behalf of the track program at Auburn; and

WHEREAS, Mel Rosen, then a P. E. instructor at Auburn, began his coaching career in 1956 as an assistant under Coach Wilbur Hutsell, the father of Auburn track, whom Mr. Rosen succeeded as head coach in 1964; and

WHEREAS, as only the second Auburn head coach in the 72 years since track became a varsity sport, Mel Rosen, as did Coach Hutsell, made an international name for himself and for the University as well; and

WHEREAS, under Coach Rosen's leadership, the Auburn Tigers won four consecutive SEC Indoor Titles (1977-1980); Harvey Galance, Willie Smith, James Walker and Tony Easley, known as "The Fabulous Four," and later, along with John Lewter, as "The Auburn Five," were recognized by "Track and Field News" as the most dominant group in American track between 1970 and 1979; and

WHEREAS, Mel Rosen has coached 11 Olympians, 148 All-Americans, 128 SEC champions while at Auburn, and has been named National Coach of the Year three times; and

WHEREAS, although retiring as head coach, effective with the end of the current season, Mel Rosen will continue to teach in Auburn's P. E. Department on a part-time basis; will continue coaching in Auburn at the club level; and, in addition to serving as head coach of the 1992 U. S. Olympic team, will stay involved with track on the national level, and with the Track Athletic Congress which he serves as current chairman of the TAC's Men's Track and Field Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished achievement and service as head track coach at Auburn University for the past 27 years, we hereby commend Mel Rosen, whom we hold in highest personal regard and to whom a copy of this resolution of sincere praise and esteem shall be presented.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senators deGraffenried, Little, Amari, Bailey, Barron, Bedsole,

Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom offered the following Senate Joint Resolution, to-wit:

**SJR 107. MOURNING THE DEATH OF FRANK ANTHONY ROSE, FORMER PRESIDENT OF THE UNIVERSITY OF ALABAMA.**

WHEREAS, herein noted with regret is the death of former University of Alabama President Frank Anthony Rose on February 1, 1991, at the age of 70 years; and

WHEREAS, a native of Oxford, Mississippi, Dr. Rose was a graduate of Transylvania College in Lexington, Kentucky, where he earned bachelors degrees in philosophy and divinity and was elected to Phi Beta Kappa; and

WHEREAS, Dr. Rose, an ordained minister in the Disciples of Christ, taught at his alma mater while also serving as a minister; at the age of 30, he became president of Transylvania and, at that time, was the youngest college president in the nation; and

WHEREAS, seven years later, effective January 1, 1958, Dr. Rose was named president of the University of Alabama and his term of office (1958-1969) was a period of unprecedented growth for the University, both in Tuscaloosa and at its branches in Birmingham and Huntsville; and

WHEREAS, during his accomplished tenure, Dr. Rose increased the salaries and the size of the faculty, raised tens of millions of dollars in research funds, tightened academic standards, expanded the graduate departments, and helped build football teams that won three national championships; and

WHEREAS, in other areas, a ten-year building program funded by increased state appropriations and private donations was initiated; the University's assets nearly tripled; student enrollment increased on all campuses from 12,250 in 1958 to almost 20,000 in 1968; and the University's School of Medicine in Birmingham began to gain widespread recognition for its research and teaching programs; and

WHEREAS, Dr. Rose also presided in firm leadership during a period of great discord but subsequent peaceful integration of the

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University, and having calmly and successfully defused a potentially volatile situation, continued his advocacy for excellence in education in the school systems and all colleges and universities in Alabama; and

WHEREAS, upon leaving the University of Alabama to become president of the General Computing Corporation in Washington, Dr. Frank Rose left a legacy that not only continues to benefit the university, but the State of Alabama and all citizens thereof; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life and service of Frank Anthony Rose, and do further extend sincere and deepest sympathy to his wife, Mrs. Tommye Rose; daughters, Susan Dabney and Elizabeth Rose; sons, Frank, Jr., and Julian Rose; and to other family members, whose loss we share and for whom a copy of this resolution shall be provided.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 547. To propose an amendment to the Constitution of 1901, for Jefferson County, pursuant to Amendment No. 425 of the Constitution providing further for license taxes on certain real estate operations and transactions; and to provide for implementation.

GREG PAPPAS,  
Clerk.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 63.** Proposing a constitutional amendment to the Constitution of Alabama of 1901, relating to the distribution of oil and gas severance tax revenues in Escambia County, pursuant to Amendment 425 to the Constitution of Alabama of 1901.

GREG PAPPAS,  
Clerk.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 130.** Proposing an amendment to the Constitution of Alabama of 1901, providing for the election of the members of the board of education in the City of Attalla, Alabama.

GREG PAPPAS,  
Clerk.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed

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the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 115.** Relating to taxation in Etowah County; authorizing the Etowah County Commission to levy either a county gasoline tax not to exceed a certain amount that would remain in effect indefinitely or to levy a certain sales and use tax that would only be in effect from its imposition date until December 31, 1995, providing that whichever county tax is imposed shall be administered, enforced and collected as provided by law by the state revenue department under terms of contract with the county; providing for enforcement penalties; and providing that the proceeds of the revenue raised from whichever tax is so imposed shall be deposited in a special fund in the county treasury to be expended for construction and maintenance of a county jail and renovation of the existing county courthouse.

GREG PAPPAS,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

**H. 393.** To alter, rearrange and extend the boundary lines and corporate limits of the Town of Glenwood in Crenshaw County.

Also:

**H. 417.** Relating to Pike County, to repeal Act 85-609, H. 1006 of the 1985 Regular Session (Acts of 1985, p. 935), which provided an expense allowance for members of the Pike County Commission.

Also:

**H. 524.** Relating to Tuscaloosa County; abolishing the office of constable.

Also:

**H. 428.** To amend Section 11-43C-52, Code of Alabama 1975, relating to certain procedures under the mayor-council form of government for Class 5 municipalities, so as to provide further for the vote to override a line item veto of the mayor.

Also:

**H. 546.** Relating to Jefferson County; to provide for the orderly and efficient collection of municipal business license taxes with respect to corporations, firms, brokers, agents and others engaged in the business of buying, selling, leasing, renting, managing or representing others in the purchase, sale or lease of real property; and providing for an effective date.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.



**H. 429.** To amend Section 11-43C-21, Code of Alabama 1975, relating to the powers of the council under the mayor-council form of government for Class 5 municipalities, so as to provide further that the council shall have the power to appoint certain employees to serve the council.

Also:

**H. 564.** Relating to Baldwin County, providing further for the mileage reimbursement for the members of the county commission and providing for a retroactive effect.

Also:

**H. 473.** Relating to Baldwin County; to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county; to provide for the collection and payment of such taxes and to provide for the distribution and the use of the funds derived therefrom; to authorize the Baldwin County Commission to make reasonable rules and regulations for the collection of such taxes; to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Baldwin County Commission for the collection of said taxes; and to authorize the county commission to levy two separate one-cent motor fuel taxes in the future.

Also:

**H. 454.** Relating to the office of chief deputy sheriff in Tuscaloosa County; to provide that such office shall be an office in the unclassified service of the county; to prescribe the compensation of the chief deputy and provide for the payment thereof; and to authorize the sheriff of Tuscaloosa County to appoint the chief deputy sheriff.

Also:

**H. 465.** Relating to the Town of Rutledge in Crenshaw County; providing further for the manner of electing the members of the city council so as to remove the designation of place number for any council member; providing method of voting for council members; providing for the elimination of runoff elections; prescribing that, except as herein provided, all other laws or resolutions or ordinances governing the

operation of the city council and its members shall continue.

GREG PAPPAS,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

**H. 9.** Relating to Lamar County; repealing Act No. 81-629, H. 873, Regular Session 1981 (Acts 1981, p. 1046) entitled "An Act Relating to Lamar County; to establish a special fund in the county treasury to pay a bounty on beaver trapped or killed in Lamar County; to provide for the administration of said fund and bounty system."

Also:

**H. 40.** Relating to Covington County; to prohibit the placing of political signs, markers and advertising, on county controlled highways except for those signs or markers placed by or under the authority of the county.

Also:

**H. 60.** Relating to Escambia County; providing further for expense allowances for the chairman and associate commissioners of the county commission to be paid from the county general fund and expiration date therefor and providing for a certain monthly salary for such chairman and associate commissioners to be effective after the next election with such salary to be in lieu of all salaries and expense allowances heretofore provided by law for such chairman and associate commissioners of the county commission.

Also:

**H. 59.** This bill amends Act No. 612, H. B. 1141, 1978 Regular Session, (Acts 1978, p. 869), relating to the creation of the Industrial Development Authority of Escambia County, so as to provide for additions to the membership of the Authority.

Also:

**H. 470.** Relating to the City of Gulf Shores in Baldwin County, so as to alter, rearrange and extend the boundary lines and corporate limits of the City of Gulf Shores.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

**H. 384.** Relating to Escambia County; authorizing the county commission to levy an additional or ad valorem tax to be used for educational purposes and providing for a referendum for approval of the tax by the qualified electors of the county.

Also:

**H. 446.** Relating to Marion County; to provide further for expense allowances for the chairman and associate commissioners of the county commission; and to provide for retroactive effect.

Also:

**H. 571.** To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville in Madison County so as to exclude certain territory from the city.

Also:

**H. 61.** Relating to Escambia County; to provide further for the compensation and expense allowance of certain county officials effective October 1, 1991.

Also:

**H. 116.** Relating to Etowah County; authorizing the Etowah County Commission to levy a user fee on the issuance of all motor vehicle license tags for passenger automobiles and trucks of any nature in addition to any and all other charges, costs, taxes or fees levied thereon; and providing for the payment, collection and distribution of the net revenues from such user fees.

GREG PAPPAS,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

**H. 114.** Providing for a board of education for the City of Attalla, Alabama, to be elected by the qualified electors of said city; providing that the members of such board shall be elected from defined school districts; providing for the terms of office, qualifications and compensation of such members; prescribing procedures for electing such members and for filling vacancies on such board; providing for board representation for persons not residing within a specific school district;

providing certain immunity for such board members; providing for financial audits of the records of such board; and providing that this act shall become effective only upon the ratification of an amendment to the Constitution of Alabama 1901, authorizing an elected school board for the City of Attalla.

Also:

**H. 139.** Relating to Jackson County; providing further for the fees for the issuance of pistol permits; providing for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund; and repealing Act No. 211, H. 854, 1971 Regular Session, (Acts 1971, p. 507).

Also:

**H. 349.** To authorize the county commission of Jefferson County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated within the special school tax district subject to the jurisdiction and control of the Board of Education of the City of Mountain Brook, the special ad valorem tax for public school purposes which is authorized in Amendment No. 316 to the Constitution, to a maximum rate, for any tax year of the county, which is equal to \$1.85 on each one hundred dollars (18.5 mills on each dollar) of assessed value.

Also:

**H. 588.** Relating to Monroe County; to provide for a temporary expense allowance for the sheriff of Monroe County and for an expiration date thereof; to provide for an adjustment in said compensation; to provide for the manner in which such compensation shall be paid; and to provide for enactment dates for such expense allowance and salary.

Also:

**H. 493.** Relating to Sumter County; providing certain additional compensation for the poll workers to be paid from the county general fund.

GREG PAPPAS,  
Clerk.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Drake:

**H. 469.** Providing that certain members of the retirement systems of Alabama may purchase credit for certain previous service, not to exceed eight years service, rendered to a county as a county solicitor and prescribing certain conditions for purchasing such credit.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 469 - to the Committee on Judiciary/Criminal Justice and  
Public Safety

**RESOLUTION**

Senator Langford offered the following Senate Joint Resolution, to-wit:

**SJR 108.** RECOGNIZING WITH COMMENDATION AND WELCOMING THE SOUTHERN REGIONAL CONFERENCE OF DELTA SIGMA THETA SORORITY, INCORPORATED, TO MONTGOMERY, JUNE 26-30, 1991.

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WHEREAS, Delta Sigma Theta Sorority, a national organization comprised predominantly of Black, college educated women, is holding its 33rd Southern Regional Conference in Montgomery, Alabama, June 26-30, 1991, and among the many members-in-sisterhood are National President, Dr. Yvonne Kennedy, a native Alabamian, member of the Alabama Legislature and President of Bishop State Community College in Mobile; Southern Regional Director, Dr. Louise Rice; and Southern Regional Representative, Miss Wendy Johnson; and

WHEREAS, the more than 1,200 sorority members assembled in Montgomery, along with family members and friends, are participating in a wide range of conference activities during this time of decentralization of the sorority that provides a valuable forum for the unveiling of new and expanded program initiatives of public service to be implemented during the remainder of the biennium, which has for its national theme, "Pass the Torch: Ignite A New Vision"; and

WHEREAS, among pre-conference activities is the innovative "Delta Youth Days" program at the State Capitol and Alabama State University which features a "Delta Youth Legislature" directed by Chairperson Tyna Davis, Co-Chairperson Mattie Langford, and State Coordinator Louise Mitchell, to introduce high school students to the legislative process; and

WHEREAS, the Montgomery Alumnae Chapter of Delta Sigma Theta Sorority, with 180 members, is the official host, along with other Alabama chapters, for the 33rd Southern Regional Conference, comprised of chapters in the five states of Alabama, Georgia, Tennessee, Florida and Mississippi; the Southern Regional Conference is one of seven and the largest conference of the national organization and, with a membership of over 40,000, represents more than one-fourth of Delta Sigma Theta's 175,000 national membership; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with great pleasure and in consensus of commendation that we hereby recognize the 33rd Southern Regional Conference of Delta Sigma Theta Sorority, Incorporated, June 26-30, 1991, in Montgomery, and do most warmly welcome the assemblage to Alabama's Capital City.

BE IT FURTHER RESOLVED, That a copy of this resolution be prepared for presentation to Southern Regional Director, Dr. Louise Rice, and that said presentation be made, on behalf of the Alabama Legislature, by the Honorable Yvonne Kennedy, National President of Delta Sigma Theta Sorority.

On motion of Senator Langford, the Rules were suspended and the Resolution was adopted by the Senate.

### MOTION TO ADJOURN

Senator Bedsole moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, June 25, 1991, at 10 o'clock A.M., which motion was adopted.

### RESOLUTION

Senators Bedsole, Windom, Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, and Wilson offered the following Senate Joint Resolution, to-wit:

#### **SJR 109. MOURNING THE DEATH OF BARRY M. CLARK OF MOBILE, ALABAMA.**

WHEREAS, Both Houses of the Alabama Legislature grievously records the lamentable death of Air Force Sergeant Barry M. Clark of Mobile, Alabama, who was killed in action on January 31, 1991, when his plane disappeared over the Persian Gulf and was later found a half mile off the Kuwaiti-Saudi Arabian coast in the gulf waters; and

WHEREAS, Sergeant Clark, a 1983 graduate of Mobile's Shaw High School, was serving as a gunner aboard his AC-130 Spectre gunship when it disappeared over the gulf and he, along with 13 other crew members, was officially listed as missing in action and presumed dead; and

WHEREAS, Barry M. Clark was indeed a courageous young patriot who served his country with great valor and distinction and we, as fellow Americans, are justly proud of this outstanding brave son of Alabama, who willingly gave his life in defense of freedom and world peace; and

WHEREAS, Sergeant Clark is survived by his wife, Stephanie Farmer Clark; children, Janna and Rebecca; by his parents, Mr. and Mrs. Billy C. Clark; and by other family members, all of whom are sorely bereft in their great and grievous loss; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,**



BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life and courage of Barry M. Clark, of Mobile, Alabama, and direct that a copy of this resolution be provided for his loving family, that they all may know of our concern for them in their time of such deep sorrow.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

### REPORT FROM RULES

Senator Preuit, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**SJR 97. CREATING A DEPARTMENT OF ENVIRONMENTAL MANAGEMENT PERMANENT LEGISLATIVE OVERSIGHT COMMITTEE.**

And on motion of Senator Foshee, said Resolution, SJR 97, was adopted by the Senate.

Senator Preuit, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**HJR 285. COMMENDING JAN WATTS OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING LEADERSHIP AND DEDICATED SERVICE TO THE BIRMINGHAM ASSOCIATION OF REALTORS.**

And on motion of Senator Foshee, said Resolution, HJR 285, was concurred in and adopted by the Senate.

### RESOLUTION

Senator Windom offered the following Senate Joint Resolution, to-wit:

**SJR 110. FORBIDDING THE STATE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES FROM POSTING "NO SKIING" SIGNS ON FOWL RIVER IN MOBILE COUNTY.**

WHEREAS, the State Department of Conservation, in an obvious

attempt to block the desires and dictates of the people of Mobile County, recently posted "No Skiing" signs on Fowl River, thereby depriving boaters and skiers of the full use and enjoyment of this body of public water; and

WHEREAS, the manner in which the signs were posted has created a safety hazard; and

WHEREAS, the Legislature is outraged at this attempt to take away the rightful enjoyment of the public; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do order and direct the Commissioner of the Department of Conservation and Natural Resources to cause his employees to remove all "No Skiing" signs erected since January 1, 1991, from the public waters of Fowl River in Mobile County and to report in writing his compliance with the provisions of this resolution within 3 days from the effective date hereof.

BE IT FURTHER RESOLVED, That no "No Skiing" signs shall be erected on Fowl River without the express approval of the Alabama Legislature evidenced by a joint resolution.

RESOLVED FURTHER, That a copy of this resolution be sent forthwith to the Commissioner of the Department of Conservation and Natural Resources.

On motion of Senator Windom, the Rules were suspended and the Resolution was adopted by the Senate.

### NOTICE IN WRITING

Senator Preuitt offered the following Notice in Writing, to-wit:

#### NOTICE IN WRITING OF MOTION TO AMEND RULES

Notice is hereby given in accordance with Senate Rules that on the next legislative day a motion will be made to amend Senate Rule No. 49 as follows:

Rule No. 49. Change twenty-three (23) standing committees to twenty-four (24) standing committees in the first sentence of this rule.

At the conclusion of this rule, after the description of (24) Local Legislation No. 3, add a new standing committee to be designated and

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described as follows:

(25) Select Committee on Fiscal Responsibility, to which committee shall be referred or having been first referred to another committee may be re-referred to this committee, any bills concerning long range revenue production, budget expenditures, bonded indebtedness or refinancing of bonded indebtedness that may be deemed appropriate by the President of the Senate. Any Fiscal/Tax Study Committee created by the Legislature or the executive branch shall report first to this committee its findings. This committee may conduct studies on fiscal policies of other southeastern states and report same to the Senate on or before the seventh legislative day of any regular session. The Select Committee on Fiscal Responsibility shall consist of five (5) members.

Which was read and filed with the Secretary.

**BUDGET ISOLATION RESOLUTION**

Senator Barron requested and received permission to suspend the Rules in order to bring up the Bill, SB 534.

Senator Barron, B.I.R., SB 534, adopted.

Yeas 17 Nays 1

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Ellis, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Parsons, Preuitt, Waggoner, and Windom

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Nay: Senator Corbett

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**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 534.** To authorize certain state instrumentalities or agencies to contract with the State Employees Insurance board to provide certain insurance coverage.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, SB 534, to-wit:

## SUBSTITUTE FOR SB 534

A B I L L  
T O B E E N T I T L E D  
A N A C T

To authorize certain state instrumentalities or agencies to purchase and pay for group health, accident or hospitalization insurance coverage for its officers and employees and to contract with the State Employees Insurance Board to provide such insurance coverage.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Any instrumentality or agency of the State of Alabama, whose principal activity consists of distributing goods or services by contract with the United States, or any federal governmental corporation, and which are not covered by the provisions of chapter 29 of Title 36 of the Code of Alabama 1975, shall be subject to all the provisions of this act. Such instrumentality or agency is hereby empowered to purchase and pay for group health, accident or hospitalization insurance coverage for its officers and employees. Such instrumentality or agency is hereby further authorized to contract with the State Employees Insurance Board for group health, accident or hospitalization insurance coverage, and under such terms, conditions, and costs as the State Employees Insurance Board and the instrumentality or agency shall mutually determine. The cost or premium for such group health, accident or hospitalization insurance shall not be deemed to be compensation to the covered party.

Section 2. All contracts and policies of group life, health, accident and hospitalization insurance which have been issued prior to July 1, 1991, to any instrumentality or agency defined in section 1 of this act for the benefit of its officers and employees are hereby ratified, confirmed, approved and validated. All acts done and all premiums paid by said instrumentality or agency of any such contract or policy are hereby ratified, confirmed, approved and validated.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18 Nays 1

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Ellis, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Preuitt, and Waggoner -18

Nay: Senator Corbett

- 1

And said Bill, SB 534, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18 Nays 3

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Ellis, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Parsons, Preuitt, and Waggoner -18

Nays:

Senators:

Amari, Corbett, and deGraffenried

- 3

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

#### SR 111. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters for the twenty-first legislative day of the 1991 Regular Session only:

Inst Id	Page
S. 459	122
Education Reform Act of 1991, comprehensive educational reform bill	
H. 135	105
Legal holidays, observance of provided further. Personal leave days in lieu of certain holidays, Sec. 1-3-8 am'd.	

**S. 124**

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Special hearing officers, appt. by Pardons and Paroles Bd.

On motion of Senator Preuitt, the Resolution was adopted by the Senate.

**SPECIAL ORDER****BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill, SB 459.

**BUDGET ISOLATION RESOLUTION**

Senator Bennett, B.I.R., SB 459, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Dial, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, and Waggoner -18

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 459.** Relating to public education in Alabama; to provide for the "Alabama Education Reform Act of 1991"; to establish goals for the improvement of public education in the State of Alabama and to assign certain mandates to the state board of education; to make legislative statements as to intent; to direct the state board of education (the board) to develop standards for a high school graduate and to establish a basic core curriculum for all students with a renewed emphasis on the teaching of English, social studies, mathematics, science and technology skills; to provide for an expanded supplemental curriculum; to eliminate the social promotion of students thus strengthening the promotion and retention standards required of all local school systems; to provide for the assessment of student performance; to provide for the adoption of a performance-based system of school accreditation; to strengthen the role of the state superintendent of education (the superintendent) in the determination and assistance offered to schools that are deemed to be academ-

ically and/or financially bankrupt; to require the strengthening of the Alabama high school graduation exam and maximize the use of technology for students; to expand educational choices for parents and students; to require the board to develop a pilot program for students at-risk and implement plans to reduce the dropout rate; to meet the national goals in early childhood development and require the development of an incentive program for innovation in schools; to provide for safe and drug-free schools along with mandatory and enforceable attendance policies; to establish a standards on excellence commission and authorize the voluntary development of year-round schools; to provide for the restructuring and financial tracking of local schools; to establish priorities for meeting the national goal in adult literacy; to establish goals for the lengthening of the school year and employees' salaries; to create a professional teachers standards commission to select or develop an entry level test for teachers and review standards for the teaching profession; to strengthen teacher preparation programs and expand alternative certification for teachers; to establish teacher/mentor programs for first year teachers and expand the mission of the Alabama regional in-service centers; to strengthen the evaluation plan and professional development for administrators and supervisory personnel; to change the fiscal year beginning July 1, 1995; to further require that all matters relating to curriculum be adopted by the board and to repeal existing laws.

was taken up.

The Standing Committee on Education reported the following substitute for the Bill, SB 459, to-wit:

**SUBSTITUTE FOR SB 459**

**A BILL  
TO BE ENTITLED  
AN ACT**

To give the Act a title; to enumerate the goals of this Act; to amend Section 16-23-3, Code of Alabama 1975, to require the state board of education to adopt policies authorizing under certain circumstances alternative certificates to be issued regardless of whether the recipient is a graduate of an approved teacher program; to provide that persons receiving alternative certificates for three consecutive years may under certain circumstances be granted a teaching certificate pursuant to Section 16-23-1, Code of Alabama 1975, and become eligible for continuing service status; to provide for emergency certificates; to provide that time served pursuant to an alternative certificate shall be

counted in determining continuing service status; to provide that time served pursuant to an emergency certificate shall not be counted in determining continuing service status; to amend Sections 16-3-16, 16-23-14, and 16-23-15, Code of Alabama 1975 consistent with Chapter 23 of Title 16, Code of Alabama 1975, as amended; to establish a Professional Teachers Standards Commission and to provide for the designation or development of an entry level pre-certification examination for teacher candidates in Alabama; to amend Section 16-3-15, Code of Alabama 1975, by defining "required courses" and "elective courses" and by requiring the state board of education to mandate certain required courses for grades 9 through 12 in public schools beginning with students entering the 9th grade in the 1992-93 academic year, and by authorizing the state board of education to approve elective courses in public schools, and by providing that in the event a city or county board of education has met certain specified conditions then such local board may approve elective courses in addition to the required courses set forth and elective courses approved by the state board of education, provided, however, that if a local board approves an elective course previously approved by the state board of education then the local board is required to use any course content approved by the state board of education for such elective, and by providing that in the event a city or county board of education has not met certain specified conditions then such local board shall offer only elective courses approved by the state board of education, and by providing that the state board of education shall adopt policies, procedures, rules, regulations, and/or standards to require that certain courses must be taken and successfully passed by every student enrolled in grades 9 through 12 of public schools prior to receipt of a diploma, phased in beginning with students entering the 9th grade in the 1992-93 academic year, providing, however, for students identified as eligible for special education services, and by providing that the state board of education shall adopt policies, procedures, rules, regulations, and/or standards to require that a certain number of elective courses must be successfully passed by a student in grades 9 through 12 of public schools prior to such student's graduation or receipt of a diploma, phased in beginning with students entering the 9th grade in the 1992-93 academic year, by providing that the state board of education shall adopt other provisions necessary to fully implement this section so long as such provisions are consistent with all requirements, restrictions, definitions, and limitations of this section, and by providing that the state board of education shall require that certain courses be taught in grades one through eight in all public schools, phased in beginning with students entering grades one through eight in the 1992-93 academic year, and by providing that the state board of education shall adopt necessary policies, procedures, rules, regulations and/or standards to encourage college and university departments of education to review



existing educational programs to insure that prospective teachers are properly prepared; to amend Section 16- 35-1, Code of Alabama 1975, as amended, by expanding the courses of study committee; to repeal Sections 16-40-1, 16-40-2, 16-40-3, 16-40-4, 16-40-5.1, 16-40-5.2, 16-40-5.3, 16-40-5.4, 16-40-6, 16- 40-7 and 16-40-8, Code of Alabama 1975, effective August 1, 1992; to require the state board of education to adopt learner outcomes defining what students must know to compete nationally and internationally; to require the state board of education policies to require mechanisms to receive feedback from higher education institutions and the business community; to require the state board of education to eliminate social promotion of students by strengthening promotion and retention standards required of all local school systems; to require local boards of education to provide counseling, tutorial assistance, and remediation when necessary to ensure that students are literate in the skills identified in the required courses of study and have achieved standards of the grade level of learning on course content; to direct to the state board of education to establish a performance-based accreditation system for all city and county school systems and all public schools to supplement the existing accreditation system; to direct the state board of education to establish specific guidelines and minimum performance levels which reflect the standards required for accreditation and to identify certain standards required for accreditation, which standards shall include a measurement of the academic performance of each school and school system and shall be directly linked with the student assessment program as provided for in this Act; to provide that such accreditation standards shall include minimum requirements for science instructors; to require each city or county school system to submit to the state board of education information as may be required to determine its accreditation status; to provide a means of classifying schools and school systems as excellent, satisfactory or probationary, and providing further for an annual report to be known as the "Report Card on Our Schools and School Systems"; to require non- accredited and accredited probationary city or county school system to develop education improvement plans subject to the approval of the state superintendent of education and designed to cause such school system and each public school to meet standards and minimum performance required for accreditation; to establish a procedure for any member of the public to lodge a complaint against any school or school system if the complaining person has reason to believe such school or school system is falling below the minimum performance standards established herein; to allow the state superintendent of education to intervene in the operation of a non-accredited school system temporarily in the event that such board fails to implement an education improvement plan or is unable or unwilling to meet the standards and minimum performance levels to be accredited; to provide for a lengthened school term of 179 actual teaching days, phased

in with one additional teaching day annually from 1992 through 1996; to provide that any employee required to work an additional day or days shall be compensated with a corresponding additional day or days' pay in addition to any cost of living adjustment; to create the Alabama Council on Family and Children for the purpose of coordinating services supporting early childhood development and family involvement in education, to specify the membership of the council, to direct the Alabama Council on Family and Children to submit to the Governor and the legislature recommendations concerning the federally sponsored Head Start Programs and state-sponsored Head Start type programs, including pilot testing thereof, to establish criteria for recognizing preschool students in need of readiness skills and the development of summer programs to aid such students, and to direct the Alabama Council on Family and Children to recommend programs of instruction in professional development for public school instructors, teachers and administrators involved in early childhood development; to amend Section 16-28-4, Code of Alabama 1975, to provide that before a child may be admitted to the first grade in the public schools such child must have completed one year of kindergarten in either public, private or church school kindergarten; to define "schools of choice" and "school system," to authorize county and city boards of education to implement a Schools of Choice plan for use within their respective school systems consistent with federal and state constitutional, statutory, and administrative provisions of law, including applicable federal or state court orders including but not limited to all applicable federal court desegregation orders, where such plan is adopted by either a resolution of the respective city or county board, or a majority of voters within a particular jurisdiction at a referendum called by a resolution of the respective county or city board of education and held in accordance with special election laws, to require city and county boards to report to the state superintendent and certify compliance of local Schools of Choice plans with applicable federal or state court orders including but not limited to all applicable federal court desegregation orders, and applicable federal and state constitutional, statutory, and administrative provisions of law, to require the state superintendent to submit an annual Schools of Choice report to the state board of education; to require the state board of education to adopt a program to implement a complete, valid and reliable assessment of student achievement in the core curriculum courses for students, and to correlate the results of such tests with the development of promotion and retention standards as required by this Act; to include as part of the assessment certain mandatory student examinations; to require the state board of education to develop and implement an aptitude assessment program; to direct the state board of education to establish a goal of increasing the scale score for passing the Alabama High School Graduation Exam over the next three scholastic years beginning with the

exam to be given in the fall of 1992, and direct the state board of education to continually revise the Alabama High School Graduation Exam to ensure that said exam measures the skills and knowledge expected of high school graduates; to provide that all students who participate in work-related programs requiring those students to leave school for more than one instructional period during their regular school day shall have met or exceeded the minimum acceptable level of performance in a test of basic skills; to require the state board of education to adopt a mandatory and enforceable attendance policy for all students, which policy shall recognize that it is the responsibility of every parent or guardian to ensure his/her child is regular in public, private, or church school attendance, and parents shall be held accountable for the failure of the child who is of compulsory attendance age to attend; to provide for increased utilization of advanced technology in Alabama public schools and teacher training programs; to establish a Council on Adult Education and specify the membership thereof, which will develop long-range recommendations and an inventory of adult education programs and report to the 1992 regular session of the legislature; to provide the Council on Adult Education with support staff provided by the Alabama department of postsecondary education and the state department of education; to require, each public school instructor, teacher, supervisor or administrator to complete a minimum of twelve clock hours of approved instruction in professional development beginning with the 1992-93 school year; to require the Alabama state board of education to provide courses of instruction in professional development and to specify certain subjects which must be offered; to require any public school instructor, teacher, supervisor or administrator who fails to earn twelve clock hours of professional development credits by June 15 to submit a plan for making up the deficiency; to require the local superintendent of education to monitor compliance with the minimum credit hours requirement and to report non-compliance by personnel within his jurisdiction to the state superintendent of education; to direct the state board of education to study programs of instruction in professional development designed to develop leadership skills for school system administrators and principals which utilize expertise from private industry; to direct the state board of education to implement a personnel evaluation system to further assist public school personnel in completing the professional development requirements imposed herein; to identify and define students who are at-risk of poor academic performance, failure or dropping out; to direct the state board of education to cause to be developed programs for providing educational and related services reasonably calculated to enable at-risk children to successfully complete the elementary and secondary curriculum; to direct the state board of education to develop pilot alternative programs for students with behavioral or instructional problems which cannot be met in the regular school program; to direct

the state board of education to implement a pilot program to determine the optimum teacher-pupil ratios for promoting academic achievement for students who are economically or educationally deprived; to direct the state board of education to monitor, analyze and report to the Governor and the legislature on such pilot programs; to further direct the state board of education to cause to be developed and piloted dropout prevention and recovery programs; to require the state board of education to designate certain schools or school systems as lead schools or school systems for purposes of implementation of a dropout prevention and retrieval program; to require the state board of education to monitor and provide guidance for schools or school systems with dropout prevention and retrieval programs deemed to be deficient; to direct the state board of education to adopt policies and procedures to implement a comprehensive career awareness program in the middle schools, to place strong emphasis on school counselors to identify students at-risk, to develop professional development programs to prepare teachers for dealing with students at-risk, to encourage business and community involvement, and to increase the graduation rate to 90% by the year 2000; to provide for the development of flexible school terms extending over the twelve-month calendar year, with approval by the state board of education; and to provide that school personnel may work extended contract periods provided such personnel are willing and are paid commensurate with the system's salary schedule; to require the state board of education to encourage city and county boards of education to develop site based decision-making programs and innovative programs and methods of instruction for local schools and apply to the state board of education for waiver of any relevant state board of education policy, standard, regulation, and/or procedure, so long as the state board of education policy, standard, regulation, and/or procedure is not expressly required by statute, and providing that the state superintendent of education shall monitor such programs, and providing that no employees shall have diminished or revoked any contractual or due process rights guaranteed by law or policy of the state board of education as a result of the implementation of site based decision-making programs adopted as a result of this Act; to require the state board of education to require the state superintendent of education to recommend changes to encourage city and county boards to develop local programs, to require the state board of education to require the state superintendent of education to recommend a plan for grants to city and county boards that restructure local programs to promote educational enhancement at the local level; to require that school boards shall develop and adopt a discipline plan and a code of student conduct, ensuring a safe school environment free of illegal drugs, alcohol or weapons, establishing uniform policies and penalties; to prescribe minimum standards for school discipline and vandalism policies, and to create a cause of action against parents and/or

guardians of any minor who damages school property; to provide civil immunity for teachers and other school authorities for carrying out discipline policies in the schools; to require the state board of education to develop a financial tracking and reporting system for all funds allocated by the Alabama Special Educational Trust Fund Appropriation Act to the local school systems and the local schools in each system; to designate the Alabama Education Study Commission as the Standards on Excellence Commission responsible for examining the required courses, testing programs for teacher candidates, promotion and retention standards, student assessment programs and the performance-based accreditation standards, as well as overall compliance under this Act, and to require said commission to report its findings to the Governor, legislature, and state board of education; to provide that any and all mandates contained in the provisions of this Act shall be mandated only to the extent that funds are appropriated or otherwise made available for the purposes of implementing such mandates; to provide the intent of the legislature that any board, commission, council or similar body designated or created pursuant to this Act shall have equitable representation of minorities; to provide that definitions set forth shall be deemed applicable whether the words defined are used in the singular or plural; to provide that any pronoun used herein shall be deemed to include both the singular and the plural and to cover all genders; to provide for severability; to provide for an effective date.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. This Act shall be known and may be cited as "The Alabama Education Improvement Act of 1991."

Section 2. The legislature hereby acknowledges those national education goals established by the President and the nation's governors as standards applicable to public education in this state. As its statement of Alabama's commitment to education improvement, the legislature finds the following education goals to be worthy of recognition herein:

(1) By the year 2000, all children in Alabama should start school ready to learn.

(2) By the year 2000, the high school graduation rate should be increased to at least 90 percent.

(3) By the year 2000, Alabama students should leave grades four, eight and twelve having demonstrated competency over challenging subject matter including English, mathematics, science, history and geography, and every school in Alabama should ensure that all students

learn to use their minds well so that they may be prepared for responsible citizenship, further learning and productive employment in our modern society.

(4) By the year 2000, Alabama students should be among the country's leaders in mathematics and science achievement.

(5) By the year 2000, every adult Alabamian should be literate and should possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

(6) By the year 2000, every school in Alabama should be free of drugs and violence and should offer a disciplined learning environment conducive to learning.

The legislature further recognizes that fundamental changes must be made in this state's public education system to prepare both children and adults to meet the challenges and opportunities of an increasingly competitive society and world. This Act sets goals and standards for student performance in Alabama schools that merit serious pursuit. Attainment of these goals will require a serious reexamination of every aspect of Alabama's education system and some profound changes in our public schools. With the enactment of the following legislation, the State of Alabama responds to the mandate of its citizenry.

Section 3. (a) Section 16-23-3, Code of Alabama 1975, is hereby amended to read as follows:

"§16-23-3

"(a) It is the intent of the legislature that the state of Alabama shall modify its policies relative to the certification of teachers to permit an expanded alternative certification program for prospective teachers for grades 9 through 12. In addition to certificates issued pursuant to this Chapter 23 to persons graduating from approved teacher education programs, the state board of education shall adopt policies, procedures, rules, regulations, and/or standards authorizing an alternative certificate to be issued by the state superintendent of education to an individual person, regardless of whether such person is a graduate of an approved teacher education program, where:

"(1) The person has earned a bachelor's or higher degree from a regionally accredited university or college; and,

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"(2) The person has at least twenty-four months of professional or other experience or study in the field or related fields for which he or she is seeking certification; and

"(3) The person is recommended to the state board of education for an alternative certificate by the state superintendent of education upon the recommendation of the city or county school superintendent in whose system such person shall be employed; and

"(4) The person has demonstrated required satisfactory proficiency on any pre-certification examination requirements then existing for teacher candidates in the state of Alabama pursuant to this Act.

"(b) Any alternative certificate shall be valid for the period of time as shall be set by policies, procedures, rules, regulations, and/or standards which shall be adopted by the state board of education but in no event shall such period extend beyond three years from the date of issuance of the alternative certificate.

"(c) Where a person has received an alternative certificate or certificates and has been employed for three consecutive years by one county or city school board, such person may be granted a teaching certificate issued by the state superintendent of education pursuant to Section 16-23-1 of the Code of Alabama 1975 when:

"(1) Approved by the state superintendent of education; and

"(2) Approved according to policies, procedures, rules, regulations, and/or standards which shall be adopted by the state board of education. Such policies, procedures, rules, regulations, and/or standards shall require that the recipient of an alternative certificate successfully complete no more than the equivalent of twelve semester hours of college course work in education related courses, as may be determined by the state board of education based upon factors such as the recipient's individual educational background, prior to the issuance of a teaching certificate pursuant to Section 16-23-1 of the Code of Alabama, 1975.

"(d) Any person granted a teaching certificate issued by the state superintendent of education pursuant to Section 16-23-1 of the Code of Alabama 1975 following the receipt of an alternative certificate, as herein provided, shall be eligible to attain continuing service status pursuant to Section 16-24-1, et seq., of the Code of Alabama 1975. Time served as a teacher pursuant to an alternative certificate shall be counted in deter-

mining continuing service status pursuant to Section 16-24-2 of the Code of Alabama 1975.

"(e) The state superintendent of education in cases of emergency when certified teachers, including teachers who may have received alternative certificates pursuant to this section, are not available may grant provisional emergency certificates of the different kinds and grades, but a provisional any such emergency certificate shall not be valid for a period to exceed one year expire at the end of the scholastic year for which it is issued, and such provisional emergency certificate shall not be extended or renewed. Time served as a teacher pursuant to an emergency certificate shall not be counted in determining continuing service status pursuant to Section 16-24-2 of the Code of Alabama 1975."

"(f) Any alternative certificate issued pursuant to this section shall be limited to persons teaching grades nine through twelve; provided, however, that an alternative certificate may be issued for persons teaching grades kindergarten through eight if limited to the subject areas of the fine arts and/or foreign languages."

(b) Section 16-3-16, Code of Alabama 1975, is hereby amended to read as follows:

"16-3-16.

"Subject to the provisions of Chapter 23 of this title, The state board of education, through its executive officer, shall prescribe rules and regulations governing the training and the certification of teachers in the public schools of the state, and for the acceptance of the diplomas of the colleges and universities of Alabama, as well as of other states. The state board of education, with the advice of the state superintendent of education, shall have full power and authority to promulgate and adopt rules and regulations governing the issuance of professional and special, alternative, and emergency certificates consistent with the provisions of Chapter 23 of this title."

(c) Section 16-23-14, Code of Alabama 1975, is hereby amended to read as follows:

"§16-23-14.

"For the purpose of setting up standards for the preparation of teachers, supervisors and administrative employees for service in the public schools, the state board of education shall, subject to other provisions of this Chapter 23, authorize and prescribe minimum



requirements on courses of study, organization, qualifications of instructors, buildings and equipment and sanitary conditions, and it shall be the duty of the state superintendent of education or his professional assistants to visit institutions engaged in teacher-training, hold conferences with the teachers and officials of such institutions, explain the requirements of the state board of education relating to the preparation of teachers, look into the character of work being done and perform such other services as may be deemed advisable for the improvement of the training provided for prospective teachers of the public schools of the state."

(d) Section 16-23-15, Code of Alabama 1975, is hereby amended to read as follows:

"§16-23-15.

"It shall be the duty of the state superintendent of education, or his professional assistants, to exercise general supervision over the teacher-training institutions under the control of the state board of education subject to other provisions of this Chapter 23. The state superintendent of education, together with the deans or directors of the schools of education in the state-supported institutions of higher learning, shall constitute an advisory council on teacher-training."

(e) Alabama shall use certification by the National Board of Professional Teaching Standards as national reciprocity when national certification has been fully implemented.

Section 4. (a) The legislature finds that Alabama is alone among the Southern states in not testing teacher candidates before allowing them in the classroom, and acknowledges that the need exists to establish, maintain and enforce minimum professional standards for teacher candidates in the state of Alabama. In response to such need, there is hereby created a Professional Teachers Standards Commission (the Commission) for the state of Alabama. The Commission shall consist of eleven members appointed by the governor in the following manner: the Alabama Congress of Parents and Teachers Association, Alabama School Board Association, Alabama Council for School Administration and Supervision, Alabama Education Association, and the Alabama Association of Colleges for Teacher Education shall each designate a representative that together shall form a nominating committee which shall meet at the call of the governor and submit to him a list of twenty names to be considered for initial appointment to the Commission. Such names shall be submitted to the governor within thirty days immediately following the effective date of this act. If nominations are not received

by the governor within such thirty day period, he shall proceed to make such appointments by the various categories as described below from his own selection. The nominations shall include an appropriate number of names to ensure the selection of three practicing elementary teachers (grades kindergarten through five), one practicing middle school teacher (grades six through eight), and two practicing secondary teachers (grades nine through twelve); two school administrators consisting of one school principal and one school superintendent; one member from the faculty of a teacher preparation program; and one member of a local board of education. In addition to the foregoing ten members, the governor shall appoint one member from his own selection, which member shall serve at the pleasure of the governor. Four of the members initially appointed shall serve for three years, four shall serve for two years, and three shall serve for one year. Thereafter, the terms of all members shall be for three years. The governor shall designate at the time of the initial appointments which members' terms shall be for one, two or three years in duration. At the expiration of the term of any appointee, other than the governor's discretionary appointee, the nominating committee shall recommend to the governor at least two persons for appointment to the position created by the expired term. Vacancies occurring on the Commission shall be filled from the same respective categories as described above and the replacement or reappointed member(s) of the Commission shall serve for the remainder of the unexpired term of his or her predecessor. The governor may reject any name(s) submitted by the nominating committee and in such a case the governor shall call upon the nominating committee to submit additional names for the initial appointees or additional names for the filling of any vacancy on the Commission. No member of the Commission shall serve more than two full terms.

(b) The legislature recognizes that the National Teacher Examination (NTE) or some component thereof is utilized as an examination for teacher candidates in 33 states, including the majority of our surrounding Southern states. It is therefore the intent of the legislature that the Commission select a nationally recognized pre-certification examination such as the NTE for initial certification of teacher candidates in Alabama. The Commission is directed to determine the conditions, if any, which must be satisfied for use of the NTE for the purposes set forth herein. The Commission is further authorized to utilize all means necessary to comply with such conditions so as to allow usage of the NTE as an entry-level pre-certification examination for teacher candidates in Alabama, or to otherwise promote full implementation of this section.

In the event that the Commission is prohibited from utilizing the

NTE, its successor examination, or a component of either, for pre-certification, after exhausting all available remedies, then the Commission is authorized to designate or develop a pre-certification examination. Such examination shall adhere to generally accepted test construction methodology and those test construction practices reflected in the NTE, and shall permit evaluation of functional academic skills of teacher candidates, including but not limited to, reading, writing and mathematics.

(c) Any pre-certification examination designated or developed pursuant to this Act shall be administered by the Commission to all teacher candidates seeking certification for the 1994-95 school year. Candidates must demonstrate required satisfactory proficiency, as determined by the Commission from time to time, on such examination prior to becoming eligible to receive a certificate pursuant to Title 16, Chapter 23, Code of Alabama 1975; provided, however, that such satisfactory proficiency shall not be required for persons to become eligible to receive emergency certificates pursuant to Section 16-23-3, Code of Alabama 1975. Candidates shall have only five opportunities to demonstrate the required satisfactory proficiency, and if such candidate fails to demonstrate the required satisfactory proficiency in the fifth attempt, such candidates shall not be eligible for certification in the state of Alabama.

(d) It is the intent of the legislature that Alabama teacher preparation institutions support the performance of their graduates on such pre-certification examinations and such institutions shall be responsible for providing remediation without any cost to the student who has successfully completed all course requirements for the teacher preparation program but has failed the pre-certification test. The failure of any institution to comply with the provisions of this Act shall be grounds upon which the institution's rights to prepare teachers may be withdrawn. It is the intent of the legislature that upon the designation or development of a pre-certification examination for initial certification of teacher candidates, the Commission shall then proceed to address the improvement of standards for teacher preparation programs.

(e) The test selected or developed shall not be designed so as to intentionally discriminate on the basis of race, sex, religion or national origin. As a result of the administration of the test and to the extent fewer minorities are licensed to teach in Alabama, the Commission shall develop a remedial plan which will be implemented by teacher preparation institutions.

(f) Scores from the tests required under the provisions of this

Act shall be reported to and kept by the Commission. Scores shall be given to the candidates tested. Personally identifiable scores shall not be open or made available to the public, but reports may be prepared and released by the Commission with respect to overall results of scores. Reports of scores as authorized herein may be made at such frequency as the Commission may deem appropriate.

Section 5.

(a) Section 16-3-15, Code of Alabama 1975, is hereby amended to read as follows:

"§16-3-15.

"(a) The following words and phrases used in this section shall, in the absence of a clear implication otherwise, be given the following respective interpretations:

"(1) "Required courses" means courses which are mandatory and required to be taken by every student enrolled in public schools in the state of Alabama, grades 9 through 12.

"(2) "Elective courses" means courses which are neither mandatory nor required to be taken by any student enrolled in public schools in the state of Alabama.

"(b) The Alabama legislature finds that Alabama students must become more literate in the basic skills needed to compete successfully in an increasingly global economy. The legislature further finds that the English language is a common bond that holds our society together. It is necessary that the state board of education adopt curriculum policies to ensure that Alabama students have a command of the spoken and written English language. The legislature further finds that students in Alabama schools are not receiving an adequate social studies education. The legislature further finds that in Alabama schools, students earning a standard high school diploma are only required to earn two credits of mathematics after they enter the ninth grade and prior to graduation. The legislature further finds that special attention must be given to the Alabama course of study in science. The state board of education shall mandate the following required courses for grades 9 through 12 in all public schools in the state of Alabama, phased in beginning with students entering ninth grade in the 1992-93 academic year:

"(1) Four years (equivalent of four credit units) of English.

"(2) Four years (equivalent of four credit units) of mathematics, including but not limited to material designed to insure that no high school student fails to learn basic mathematical skills and computer literacy.

"(3) Four years (equivalent of four credit units) of science.

"(4) Four years (equivalent of four credit units) of social studies with an emphasis on history, geography, economics and political science. History courses shall include material on the history of the United States and the Constitution of the United States.

"(c) It is the intent of the Legislature that the content of the required courses be developed based on the learner outcomes as defined in Section 6. These learner outcomes shall be based on criterion-referenced tests. Furthermore, credit for required basic core academic courses may be earned in conjunction with vocational courses and/or programs. The Legislature further recognizes that the required courses may make it difficult to schedule students in vocational programs earning two or more credits annually. It is the intent of the Legislature that local boards of education continue to offer and schedule students into such vocational programs. Therefore, the Legislature directs the state and local boards of education to develop flexible scheduling, integrated curriculums, and all other methods necessary to insure the continued successes of such vocational programs.

"(d) It is the intent of the legislature that, in addition to the required courses, elective courses including but not limited to foreign languages, fine arts, physical education, vocational and technical preparation, be available to all students.

"(1) The state board of education may approve any elective courses as it may deem appropriate for public schools in the state of Alabama.

"(2) In the event a city or county board of education has met all performance-based accreditation standards and promotion and retention standards contained in this Act and all other such provisions of the Code of Alabama, 1975, such local board may approve elective courses in addition to the required courses set forth in this section and elective courses approved by the state board of education pursuant to paragraph (c)(1) of this section; provided, however, that if a local board approves an elective course previously approved by the state board of education, then, in that event, the local school board is required to use any course content approved by the state board of education for such elective.

"(3) In the event a city or county board of education has not met all requirements of performance-based accreditation standards and promotion and retention standards contained in this Act and all other such provisions of the Code of Alabama, 1975, such local board shall offer only elective courses approved by the state board of education pursuant to paragraph (c)(1) of this section.

"(d) The state board of education shall adopt necessary policies, procedures, rules, regulations and/or standards to require that:

"(1) The required courses set forth in this section must be taken by every student enrolled in grades 9 through 12 of public schools in the state of Alabama, phased in beginning with students entering the ninth grade in the 1992-93 academic year.

"(2) The required courses set forth in this section must be successfully passed by a student enrolled in grades 9 through 12 of public schools in the state of Alabama prior to such student's graduation or receipt of a diploma, phased in beginning with students entering the ninth grade in the 1992-93 academic year; provided, however, students identified as eligible for special education services as provided by federal and state law shall be required to meet the provisions set forth in the individual education plan prescribed to meet their individual needs as required by law.

"(3) A certain number of elective courses must be successfully passed by a student enrolled in grades 9 through 12 of public schools in the state of Alabama prior to such student's graduation or receipt of a diploma, phased in beginning with students entering the ninth grade in the 1992-93 academic year.

"(4) Other provisions which may be necessary to fully implement this section so long as such provisions are consistent with all requirements, restrictions, definitions, and limitations of this section.

"(e) The state board of education, on the recommendation of the state superintendent of education, shall prescribe the minimum contents of courses of study for all public elementary and high schools in the state, and shall fix the maximum number of books which are compulsory in each grade of the elementary schools. In every elementary school in the state there shall be taught at least reading, spelling, handwriting, arithmetic, oral and written English, geography, history of the United States and Alabama, elementary science, hygiene and sanitation, physical training and such other studies as may be prescribed by the state board of education. Moreover, the state board of education shall require the

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following courses for grades one through eight in all public schools in the state, phased in beginning with students entering grades one through eight in the 1992-93 academic year: English, social studies, mathematics, and science should be taught each year in grades one through eight. English courses shall include but not be limited to material designed to develop language arts, such as reading, writing, speaking, and listening skills."

"(f) The state board of education shall adopt necessary policies, procedures, rules, regulations and/or standards to encourage college and university departments of education to review their existing educational programs for prospective English, social studies, mathematics and science teachers in order to insure that such prospective teachers are properly prepared to teach the courses required by this section."

(b) Section 16-35-1, Code of Alabama 1975, is hereby amended to read as follows:

"§16-35-1.

"The state board of education shall ~~constitute~~ appoint a courses of study committee as set forth below for the purposes and functions as hereinafter provided. The state courses of study committee shall consist of ~~21~~ 28 members to be selected as follows:

"(1) One elementary teacher (grades k through 6) and one secondary teacher (grades 7 through 12) from each of the seven congressional districts who are teaching in the course of study areas to be revised during their terms of office;

"(2) Four members from the state at-large actively engaged in a supervisory or administrative capacity in the field of education and who are knowledgeable or who have had previous teaching experience in the course of study areas to be revised during their term of office;

"(3) Three members who are employees of state institutions of higher learning who are specialists in the course of study areas to be revised during their terms of office-; and

"(4) Seven additional members appointed by the Governor, one from each of the seven congressional districts, each of whom shall be either a business or professional representative not employed in the field of education.

"Additional standards for membership on the courses of study

committee may be established by the state board of education other than those prescribed hereinabove. Said standards shall be sent to every local board of education and every county and city superintendent.

"Local boards of education, through their superintendents, shall nominate persons to serve on these committees. Local boards shall furnish credentials of each person recommended, including a summary of each person's qualifications for membership in the committee. All nominations along with said credentials shall be forwarded to the state superintendent of education. The state board of education, upon the recommendations of the state superintendent of education, shall appoint all members of the state courses of study committee from the nominees made by the local boards of education. The Governor's appointments need not be nominated by a local board of education, nor recommended by the state superintendent of education, nor approved by the state board of education.

"The term of office of the members of said committee shall be for a period of one year, beginning on the first day of May, 1984; provided, however, that the terms of office for the Governor's initial appointees shall begin immediately upon their initial appointment. The members shall hold office until their successors are appointed."

(c) Sections 16-40-1, 16-40-2, 16-40-3, 16-40-4, 16-40-5.1, 16-40-5.2, 16-40-5.3, 16-40-5.4, 16-40-6, 16-40-7 and 16-40-8, Code of Alabama 1975, are hereby repealed effective August 1, 1992.

Section 6. The state board of education shall by October 1, 1992, adopt learner outcomes that clearly define what Alabama students must know and be able to do in order to be competitive nationally and internationally. The learner outcomes must be linked to expectations for success in college and the world of work. Board policies are to require mechanisms to receive feedback from higher education institutions and the business community to the public schools of the state of Alabama. It is the intent of the legislature that the state board of education clearly defines what a high school graduate in the state of Alabama is expected to know and be able to do.

Section 7. The legislature directs the state board of education to eliminate the social promotion of students by strengthening the promotion and retention standards required of all local school systems. Such policy shall provide that no student shall be allowed to pass to a higher grade or course level so long as he or she fails to achieve at grade level or fails to master the established standards for a particular grade level, level of learning or subject matter content achievement level.



Any rules and regulations adopted by the state board of education pursuant to this section shall be exempt from the provisions of Section 41-22-3(3), Code of Alabama 1975. The legislature recognizes that increased academic requirements, as required by Section 5 of this Act, linked to the establishment of promotion and retention standards, as measured by the program for assessment of student achievement, in Section 8 of this Act, may increase the dropout rate for students in the public schools of the state of Alabama. It is the intent of the legislature that alternative academic programs shall be established and available to all students prior to the implementation of increased academic requirements and expectations for students. Local boards of education shall provide counseling, tutorial assistance, and remediation when necessary to ensure that students are literate in the skills identified in the required courses of study and have achieved standards of the grade level of learning or course content.

Section 8. (a) The state board of education shall continue the development and implementation of a valid and reliable program for assessment of student achievement. This comprehensive assessment program shall include but not be limited to: (1) normed-referenced assessments to measure student achievement and school ability as compared to a recently normed national sample of similar students; (2) grade level criterion-referenced assessments to measure student performance based on standards established by the state board of education in core curriculum subjects; and (3) criterion-referenced assessment to measure student performance on minimum standards established by the state board of education at elementary, middle, and high school grades and for graduation from high school. At least one of the three assessment examinations described in the preceding sentence shall be administered each year to each student in the second through the eleventh grades in each public school. The graduation examination shall be administered to students in the eleventh and twelfth grades. Students who failed to achieve at least the minimum score on the graduation examination but met all other requirements for a diploma may be administered that examination although they are not currently enrolled in a public school. Priority in the student assessment program shall be given to the development of criterion-referenced tests in courses contained in the core curriculum. The results of student performance on all criterion-referenced tests shall be correlated in such a way that local school systems may include them among criteria used for promotion and retention decisions. The state board of education shall continually update the assessment program to assure the valid assessment of achievement of students enrolled in public schools.

(b) The state board of education shall develop and implement an

aptitude program with accompanying interest survey for entering ninth graders. The results of these assessments shall be used in the development of high school students' programs of study and for career planning.

(c) It is the intent of the legislature that a high school diploma earned in the public schools of the state of Alabama reflects the ability of our graduates to have achieved the required twelfth grade skills and knowledge. The legislature directs the state board of education to continue to revise and raise the level of expectation for students taking the high school graduation examination to ensure that the examination measures skills and knowledge that are expected of high school graduates. Accordingly, the state board of education shall establish a goal of increasing the scale score for passing the Alabama High School Graduation Exam over the next three scholastic years beginning with the exam to be given in the fall of 1992. It is the intent of the legislature that the minimum competency skills as measured by this exam be increased to ensure that the recipient of a high school diploma has reached a higher level of competency. It is further the intent of the legislature that a higher academic performance will be expected of students receiving a high school diploma.

(d) The state board of education shall require that all students who participate in work-related programs requiring those students to leave school for more than one instructional period during their regular school day shall have met or exceeded the minimum acceptable level of performance in the pre-ninth grade test of basic skills as prescribed in subsection (b) above and must not be deficient in credits earned in the academic course requirements.

Section 9. (a) The following words and phrases used in this section shall, in the absence of a clear implication otherwise, be given the following respective interpretations:

(1) "Accreditation" or "Accredited" means that a city or county school system has been determined to meet the requirements for accreditation under the Accreditation System. An accredited school system may be further classified as excellent, satisfactory, or probationary by the state superintendent of education as provided by this section.

(2) "Accreditation System" means the state board of education's accreditation system in effect as of January 1, 1991, as supplanted by the Performance-Based Accreditation System to be established by the state board of education pursuant to this section.

(3) "Education Improvement Plan" means an educational improvement plan developed by a non-accredited city or county school system pursuant to this section.

(4) "Intervention" means action by the state superintendent of education to temporarily assume the responsibility for the operation and control of one or more public schools under the jurisdiction of a non-accredited city or county school system pursuant to this section.

(5) "Non-accredited" means that a city or county school system or one or more public schools have not met the requirements for accreditation under the Accreditation System.

(b) The state board of education shall, on or before January 1, 1992, establish a Performance-Based Accreditation System for all city and county school systems and all public schools, which shall supplant the existing accreditation system, to comprise the state of Alabama public school Accreditation System. Each city and county school system and each public school shall be required to be accredited by the state board of education under the Accreditation System in accordance with the provisions of this section. The Accreditation System shall measure the academic performance, in the required courses of study, of each school and school system throughout the state. When the state board of education has determined that a city or county school system and all of the public schools under its jurisdiction have satisfied all requirements for accreditation, which determination shall be made in accordance with and pursuant to this section, such city or county public school system shall be certified by the state board of education as accredited.

(c) The state board of education shall establish specific guidelines and minimum performance levels which reflect the standards required for accreditation. Such standards for accreditation established by the state board of education shall be directly linked, but not limited to, the student assessment program as provided for in this Act. Such standards for accreditation established by the state board of education shall further include, but not be limited to, the requirement that each city and county school system and, where appropriate, the public schools under its jurisdiction shall:

(1) provide acceptable facilities conducive to an effective teaching and learning environment, including safe buildings having adequate space, heating and air conditioning, restroom facilities and sanitary conditions;

(2) comply with the requirements of federal and state

governments and agencies and the state board of education with respect to the condition and safety of vehicles, scheduling of routes, training and licensing of drivers and load capacity of buses;

(3) adhere to the attendance laws of the state and maintain a proper reporting of attendance;

(4) adhere to the courses of study, curriculum offerings, academic and graduation requirements, guidance and counseling services, testing programs and special educational requirements for all students identified as needing such services, in accordance with this Act and state board of education policy. The state board of education shall specifically require that instruction in science in grades one through six shall be taught by teachers who have obtained a minimum of 12 semester hours or 18 quarter hours of science. It is the intent of the legislature that the teacher training institutions prepare all early childhood and elementary certified teachers to have a broad knowledge of science with emphasis on general, environmental and basic science. It is further the intent of the legislature that the state science course of study committee develop and recommend to the state board of education an early childhood and elementary science program of instruction with a sequential development of science skills and knowledge. The state board of education shall also incorporate into the performance-based accreditation standards, as provided in this section, a requirement that all elementary schools have approved science laboratory facilities for the proper teaching of elementary science courses. It is the goal of the legislature that the provisions of this subsection be fully implemented by the school year 1997-98.

(5) assure that adequate resources for instruction are provided, including textbooks, instructional supplies, community resources, financial allocations for teachers' salaries and other instructional support;

(6) adhere to the state board of education's requirements pertaining to all instructional personnel, including proper certification, assignment, in-service/professional development, evaluation, compensation and instructional competence;

(7) provide all administrative and supervisory personnel with leadership and management training;

(8) adopt an evaluation plan to assess the job performance of teachers, supervisors and principals in accordance with this section; and

(9) prepare an annual educational status report as required by

law and regulations adopted by the state board of education. Such status report shall include an assessment of student performance by school and an evaluation of system-wide student performance. Such performance shall be evaluated on criteria established by the state board of education, which criteria shall include, but not be limited to, the student dropout rate; the graduation rate; the average class size; the pupil/teacher ratio; the pupil/administrator ratio; the percentage of students entering postsecondary education or training programs; parent, teacher and student satisfaction; parental involvement; and other performance measures deemed appropriate by the board.

(d) Each city or county school system shall submit to the state board of education for each public school within its jurisdiction such information as may be required by the state board of education to determine its accreditation status pursuant to this section. This report shall include specifics regarding any public school and any aspect of that school's program, particularly poor student performance, which fail to adhere to the accreditation requirements. This report shall be widely disseminated to the public and discussed by the city or county board of education at a public meeting.

(e) The state superintendent of education may, with the consent of the state board of education, waive compliance with any of the requirements of subsection (c) of this section which the state superintendent of education determines to be impossible of performance without additional state or local funds.

(f) The Accreditation System adopted by the state board of education pursuant to this section shall provide procedures for the periodic review and evaluation of each city or county school system and each public school to determine its accreditation status. Such procedures shall include one or more unannounced on-site visits to each city or county school system and each public school by an educational compliance review team selected and appointed from time to time by the state superintendent of education. The state superintendent of education shall determine whether the city or county school system or the public school, as the case may be, has met the standards and minimum performance levels to be accredited. The state board of education shall also adopt a method whereby the state superintendent of education shall classify those schools and school systems deemed to be accredited as excellent, satisfactory, probationary or any other terms or classifications deemed appropriate by the state board of education. The performance of schools or school systems and their accreditation status and classification, along with any other information deemed necessary by the state board of education to adequately inform and help the public accurately evaluate the

performance of local schools and school systems, shall be reported to the public each year and made known to the media on a specified date annually. This annual report shall be known as the "Report Card on Our Schools and School Systems."

(g) The state board of education shall also establish a procedure whereby any person can lodge a complaint against any school or school system if such person has a reason to believe that the performance-based standards established herein are not being complied with and such complaint will be properly investigated and a determination made as to whether such complaint is justified. Such a procedure should establish that such complaint shall first be investigated by the local school system.

(h) In the event that the state superintendent determines that the city or county school system or the public school, as the case may be, has not met the standard and minimum performance levels to be accredited, the city or county school system or, in the case of a determination with respect to a public school, the school system having jurisdiction over such public school shall be declared to be a non-accredited school system.

(i) A non-accredited city or county school system shall develop an Education Improvement Plan subject to the approval of the state superintendent of education designed to cause the such board of education and each public school under its jurisdiction to meet the standards and minimum performance levels to be accredited within the time period specified, not to exceed three years. The state superintendent shall provide necessary technical assistance in developing the Education Improvement Plan.

(j) The state superintendent of education shall provide consultation, training, and technical assistance to each non-accredited school system to assist in the implementation of an Education Improvement Plan until the expiration of the time period specified in the Plan or until it is determined by the superintendent that the non-accredited school system is unable or unwilling to meet the standards and minimum performance levels to be accredited.

(k) The legislature intends that the purpose of this section is to provide early warning, intervention, remediation, and receivership for schools and school systems deemed deficient under the performance-based accreditation system established herein. Therefore, in the event that a non-accredited, or an accredited probationary, school system fails to implement an Education Improvement Plan within the time period specified in the Plan, or the state superintendent of education determines

that the non-accredited school system is unable or unwilling to meet the standards and minimum performance levels to be accredited or satisfactory, the state superintendent of education, acting with the approval of the state board of education, may intervene in the operation of such school system to temporarily limit or supersede the authority of the board of education over one or more public schools under its jurisdiction. The state board of education shall determine, upon the recommendation of the state superintendent of education: (1) whether the intervention shall be total intervention over all programs or partial intervention in specified program areas of operation; (2) the terms of the intervention; and (3) the length of the intervention. Prior to intervention, the state superintendent of education shall notify such non-accredited or probationary school system in writing of the proposed intervention and hold a public hearing in accordance with regulations adopted by the state board of education.

Section 10. The state board of education shall adopt or modify its policies, regulations, or procedures so as to require that school terms in the public schools of this state are not less than 176 actual teaching days for the 1992-93 scholastic year, with one additional teaching day added to the school terms for 1993-94, 1994-95, and 1995-96, so that the school term in 1995-96 shall be not less than 179 actual teaching days. As used in this section, "actual teaching days" shall be exclusive of institutes, conferences, conventions, and holidays. Any employee required to work an additional day or days above such employee's present contract days shall be compensated with a corresponding additional day or days' pay in addition to any cost of living adjustment provided by the legislature.

Section 11. (a) The legislature finds that there is at present a need in Alabama to coordinate, at the state and local level, the efforts of existing providers of services supporting early childhood development and family involvement in education.

(b) There is hereby established the Alabama Council on Family and Children to be composed of the Governor, who shall be chairperson; the State Superintendent of Education; the Commissioner of the Department of Human Resources; the State Health Officer; the Commissioner of the Department of Mental Health and Mental Retardation; and the Director of the Department of Youth Services, or their designated representatives, and one additional member from each congressional district to be appointed by and serve at the pleasure of the Governor. Said council shall exist for the purpose of coordinating existing services, at the state and local level, supporting early childhood development and family involvement in education and assessing existing programs.

(c) On or before June 30, 1992, the Alabama Council on Family and Children shall submit to the Governor and the Legislature a plan which shall include, but not be limited to, recommendations concerning the following:

(1) federally sponsored "Head Start" programs for children in Alabama qualified thereunder;

(2) state-sponsored "Head Start" type programs for other four-year-old children who do not qualify for federally sponsored Head Start. Such recommendations may include the establishment and implementation of pilot programs in at least ten city or county school systems by the 1993-94 school year; and

(3) the establishment of criteria for recognizing pre-school students in need of readiness skills and the development of summer programs to aid such student.

(d) The Alabama Council on Family and Children shall recommend to the state department of education and the advisory council on teacher-training created by Section 16-23-15, Code of Alabama 1975, programs of instruction in professional development for public school instructors, teachers and administrators involved in early childhood development.

Section 12. Section 16-28-4, Code of Alabama 1975, is hereby amended to read as follows:

"§16-28-4.

"(a) A child who is six years of age on or before September 1 or the date on which school begins in the enrolling district shall be entitled to admission to the first grade in the public elementary schools at the opening of such schools for that school year or as soon as practicable thereafter; provided that such child shall have first completed one school year of any public, private or church school kindergarten. ~~a~~A child who is under six years of age on September 1 or the date on which school begins in the enrolling district shall not be entitled to admission to such the first grade in the public elementary schools during that school year; except, that an underage child who transfers from the first grade of a school in another state may be admitted to school upon approval of the board of education in authority, and an underage child who has moved into this state having completed or graduated from a mandated kindergarten program in another state shall be entitled to admission to the public elementary schools regardless of age. A child who becomes six years of



age on or before February 1 may, on approval of the board of education in authority, be admitted at the beginning of the second semester of that school year to schools in school systems having semiannual promotions of pupils provided that such child shall have first completed one school year of any public, private, or church school kindergarten. Provided, however, the kindergarten requirement specified in this section shall apply to students entering the first grade during and after the 1993-94 school year. Nothing in this section shall be deemed to permit the state board of education to impose standards, regulations or requirements for private or church school kindergarten programs.

"(b) A child who is five years of age on or before September 1 or the date on which school begins in the enrolling district shall be entitled to admission to the local public school kindergartens at the opening of such schools for that school year or as soon as practicable thereafter; a child who is under five years of age on September 1 or the date on which school begins in the enrolling district shall not be entitled to admission to such schools during that school year; except that, an under-age child who transfers from the public school kindergarten in another state may be admitted to local public kindergarten on the prior approval of the local board of education on a space available basis. The aforementioned underage children transferring from the public school kindergartens of another state, upon successful completion of the kindergarten in the local public schools, will then be allowed admission to the first grade of the local public schools.

"(c) Students who were four years of age on or before October 1, 1989, and are enrolled in a public, private or church four-year old program or kindergarten during the 1989-90 school year will be allowed to enroll in a five-year old public kindergarten, applicable only for the 1990-91 school year and to enroll in grade one of a public school, applicable only for 1991-92 school year. Students who are already enrolled in a public, private or church kindergarten will be allowed to enroll in grade one of a public school, applicable only for the 1990-91 school year.

"(d) No public school system shall lose any teacher unit as a result of this section. The state board of education is authorized to adopt policies for local boards of education for the implementation of this section."

Section 13. It is the intent of the legislature that parents and students have a greater choice in the kinds of public educational programs.

(a) The following words and phrases used in this section shall, in the absence of a clear indication otherwise, be given the following respective interpretations:

(1) "Schools of choice" means an educational plan, including but not limited to magnet school programs and/or alternative school programs, designed to allow parents or guardians of school aged children to choose which public schools their children will attend within a particular county or city school system. Moreover, schools of choice plans may include but shall not be limited to further development of alternative academic programs, vocational schools, fine arts curricula, gifted student programs, post secondary/secondary early option programs, programs such as the Alabama High School for Math and Science, and the Alabama School of Fine Arts, and any other programs that improve and enhance education.

(2) "School system" means the public schools included under the general administration and supervision of a particular county or city board of education.

(b) County and city boards of education are hereby authorized to develop, adopt, and implement a Schools of Choice plan for use within their respective school systems; provided, however, that no such Schools of Choice plan shall be implemented by a county or city board until:

(1) Such plan is adopted by either:

a. a resolution of the respective county or city board of education; or

b. a majority of the voters residing within the geographic jurisdiction of the particular county or city board of education at a referendum called by a resolution of the respective county or city board of education and held in accordance with special election laws as set forth in Section 17- 18-1, et seq., Code of Alabama, 1975.

(2) Such plan is in full compliance with all federal or state court orders affecting the respective city or county board of education, including but not limited to all applicable federal court desegregation orders.

(3) Such plan is in full compliance with all applicable federal and state constitutional, statutory, and administrative provisions of law.

(c) Any county or city board of education which adopts a

Schools of Choice plan, as set forth herein, whether by resolution or referendum, shall immediately notify the state superintendent of education of the adoption of such plan. Such notification shall include a statement from the particular county or city board of education certifying that such plan is in full compliance with all federal or state court orders affecting the particular city or county board of education, including but not limited to all applicable federal court desegregation orders, and all applicable federal and state constitutional, statutory, and administrative provisions of law.

(d) The state superintendent of education shall submit an annual Schools of Choice report prior to August 1 of each year to the state board of education which shall:

(1) List each and every city or county board of education which has notified the state superintendent that the respective city or county school board has adopted a Schools of Choice plan. Such list shall include a summary of the contents of each particular Schools of Choice plan.

(2) Set forth any recommendations of the state superintendent of education regarding the development, adoption or implementation of then existing or future Schools of Choice plans.

Section 14. The legislature finds that mandatory attendance policies for schools differ from school system to school system throughout the state of Alabama. The state board of education shall adopt standards for a mandatory and enforceable attendance policy for all students in public schools in the State of Alabama. Parents shall be held accountable in accordance with Sections 16-28-12 and 16-28-7, Code of Alabama 1975, for the failure of the child who is of compulsory attendance age to attend either public, private or church school. Enforcement of this section shall lie with the local board of education and the juvenile court system.

Section 15. (a) The legislature finds that we live in an increasingly complex and highly technical society and that additional instructional initiatives are required at this time.

The legislature further observes that these new instructional technologies include computers, interactive videodisc, CD-ROM, electronic telecommunications and networking via modem, and satellite-based interactive instruction.

The legislature recognizes that teachers in preparation programs

(pre-service) and experienced teachers need to have continuing information about technology. Technology training must become an integral part of the teacher preparation program and must be seen as an instructional tool rather than the subject of instruction.

The legislature finds it is necessary that all students graduating from our high schools in the future be technologically literate. Therefore, the legislature directs that:

(1) The state board of education shall develop an in-service plan for professional development of teachers currently employed in the public schools of Alabama and shall ensure that each is computer literate and adequately prepared to integrate computer technology into every applicable phase of classroom instruction;

(2) The state department of education shall develop procedures by which each institution of higher education in Alabama that has responsibility for preparing teachers, supervisors, and administrators integrates into its teacher education program technology training.

(3) The state board of education shall develop standards and review procedures for the plans of all new K-12 buildings and all major renovations to insure that these facilities take advantage of the new and developing information technologies. These standards shall include but not necessarily be limited to coaxial cabling of all classrooms and laboratories, internal telephone networking for all classrooms and laboratories to provide voice and data capability, safe and secure locations for the placement of satellite dishes, sufficient electrical outlets, and the like;

(4) The state board of education shall provide a plan for the cooperative development and execution of research, demonstration, evaluation, and dissemination of activities related to the effective use of technologies in teaching and learning. These activities shall be planned, designed, and carried out in cooperation with the existing Alabama Regional Inservice Centers (ARIC) and local school systems;

(5) The Alabama Regional Inservice Centers shall develop a plan with budget requirements which will provide technical assistance to other units within their host universities to improve the quality of instruction--particularly as it relates to the use of technology--at all levels and in all curricula which impact the teacher preparation program. It is the intent of the legislature that this form of assistance will be exclusively in the area of consultation and technical assistance. No ARIC funds shall be used to provide hardware, software, instructional materials, or

in any way supplant these functions of those units receiving technical assistance;

(6) The state board of education shall have local school systems inventory on an annual basis their computer and related interactive instructional equipment and compile a report for the state superintendent to submit to the Governor and the legislature. This report should reflect the adequacy or inadequacy of available instructional hardware and software and should project a short-range and long-range acquisition plan for additional materials; and

(7) The state board of education shall develop an approved format for the development of long-range technology plans to be submitted by each school district. It is the intent of the legislature that this plan includes long-range goals, specific curricular objectives, hardware requirements, software needs, and training needs. The state superintendent of education shall submit to the Governor and the legislature the plan of action and the funding requirements at the budget hearings for the 1993 regular session of the legislature.

(b) The legislature observes that Alabama schools and students would benefit from a coordinated educational technology plan. This plan should be based on a strong commitment to make it possible for all schools to have the benefit of modern technology and shall be submitted to the Governor and legislature during the 1992-93 budget hearings for approval and funding. The legislature directs the state board of education to:

(1) Encourage and coordinate the application of new technologies in the schools.

(2) Support educational technology by developing a plan to maximize the use of technology in the classroom.

(3) Support educational technology by seeking private funding sources for schools.

(4) Strengthen and broaden curricula and professional staff development by maximizing the use of distance learning for students, teachers, and administrators.

(5) Use technology to promote fundamental changes in the learning process.

(6) Use technology to improve teaching and learning.

(7) Use technology to improve efficiency in productivity in education administration.

(8) Develop a plan to enhance student learning in elementary grades through the use of computer software programs that assist in skill development in reading, writing, mathematics, and other subject matter as approved by the board.

(9) Consider the standards for equipment purchased in the future to maximize the exchange of software programs.

(10) Direct the state department of education in collaboration with local school systems to develop computer software libraries.

(11) Develop a plan to equip all school libraries with computers and networking capabilities to enhance student learning.

(12) Develop a plan to maximize efficiency of local child nutrition programs through the utilization of computers.

(13) Develop a plan for the utilization of student records and develop capabilities of electronic transfers of information for all school systems.

(14) Develop a plan to make available to all students information on scholarships and courses.

(15) Develop a plan to equip appropriate vocational courses taught in the secondary schools with modern technology and computers.

(16) Develop a plan for the establishment of computer laboratories to be made available to all students and to provide a computer in the classroom for each teacher.

Section 16. (a) The state board of education shall establish a Council on Adult Education prior to October 1, 1991. The membership of the council shall be as follows:

(1) The Governor or his designated representative.

(2) The State Superintendent of Education.

(3) The Chancellor of the Alabama Department of Post-secondary Education.

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(4) The Executive Director of the Alabama Commission on Higher Education.

(5) A member of, as selected by, the Alabama Council for School Administration and Supervision.

(6) A member of, as selected by, the Alabama Association of School Boards.

(7) A member of, as selected by, the Alabama Education Association.

(8) A member of, as selected by, the Alabama Parent Teacher Association.

(9) The director of the Alabama Department of Economic & Community Affairs.

(10) The Governor's Education Liaison.

(11) Five members of the business/professional community appointed by the Governor.

(b) The Council on Adult Education, created by this section, shall:

(1) Develop long-range recommendations, for submission to the legislature and the state board of education, designed to establish a coordinated system of adult education in the state of Alabama, including a full assessment of the costs of any such recommendations.

(2) Develop recommendations, for submission to the legislature and the state board of education, designed to coordinate existing adult education programs offered by the state of Alabama through different agencies.

(3) Inventory all existing adult education programs in the state of Alabama and recommend to the legislature and the state board of education whether such programs should be abolished, expanded, or continued at present levels.

(4) Develop recommendations, for submission to the legislature and the state board of education, to encourage business and industry to employ participants in adult education programs.

(5) Establish priorities and performance standards prior to December 31, 1992, and design measurement devices and procedures to determine level of accomplishing specific objectives.

(6) Complete the above directives and submit a written annual report to the legislature and the state board of education beginning with the 1993 regular session of the legislature.

(c) The Council on Adult Education, created by this section, shall be provided with support staff by the Alabama department of postsecondary education and the state department of education.

Section 17. (a) Each public school instructor, teacher, supervisor or administrator within this state shall attend a minimum of twelve clock hours of approved instruction in professional development in each school year beginning with the 1992-93 school year.

(b) The Alabama state board of education shall and must provide courses of instruction in professional development at reasonable times and places not less frequently than once a year. Courses of instruction to be provided shall include, but not be limited to, the following subjects:

- (1) Curriculum updates;
- (2) Recent developments in academic course subject matter;
- (3) Methods of instruction;
- (4) General school improvement; and
- (5) Use of technology.

The legislature specifically directs the state board of education to develop in-service and professional development activities to ensure that current elementary school teachers are properly prepared to teach the Alabama course of study in science, mathematics and social studies.

(c) One clock hour will be given for each actual hour attended in instruction in professional development at professional development programs approved by the state superintendent of education. Hours in excess of the twelve clock hours minimum annual requirement may be carried forward for credit in the next succeeding year only.

(d) Any public school instructor, teacher, supervisor or administrator who fails to earn twelve approved professional development hours



by June 15 of a particular year will be deemed not in compliance for that year. A plan for making up the deficiency may be accepted if a deficiency plan is received by the local superintendent of education by June 30.

(e) On or before August 15 of each year each local superintendent of education shall submit to the state superintendent of education a written report of any public school instructor, teacher, supervisor or administrator who fails to earn 12 approved professional development hours during the past school year. The state superintendent of education shall then notify the said employee in writing of his/her failure to complete the required professional development and establish a deadline by which the employee must be in compliance.

(f) No purchase of materials shall be required at any program of instruction in professional development sponsored by the Alabama state board of education.

(g) The state board of education shall study programs of instruction in professional development designed to develop leadership skills for school system administrators and principals which utilize expertise from private industry.

(h) To further assist public school personnel in fulfilling the mandatory professional development requirements imposed by this section, the state board of education shall:

(1) develop a comprehensive evaluation system for all professional education personnel, beginning with school administrators. The evaluation system should be developed using research-based criteria and should be field-tested and validated through pilot programs,

(2) upon the recommendation of the state superintendent, develop a plan of professional development for all administrators, supervisory personnel and classroom teachers which should be based upon the results of the individual evaluation from each personnel evaluation system. The plan will include a delivery system for professional development activities that should include a variety of service options including, but not limited to those provided by; the regional in-service centers, college and universities, local boards of education, the state department of education, specific topical workshops and seminars presented by professional organizations, lead academy, or recognized professions in the field of education.

(i) The local board of education will have the responsibility of requesting the professional development needs of its system to its

assigned regional in-service center. The Alabama regional in-service center shall assist in the design, training, and implementation of new educational technologies for elementary and secondary school personnel. Notwithstanding other legislation, the Alabama regional in-service center should work with the state department of education, school systems and local businesses and industries to determine systematic and cost-effective methods for using a variety of educational technologies to improve teaching and learning in elementary and secondary classrooms,

(j) The Alabama regional in-service centers shall provide when requested, prescriptive in-service training for teachers and administrators based upon personnel evaluation information--using both individual evaluation results and local school district profiles.

Section 18. (a) The following words and phrases used in this section shall, in the absence of a clear implication otherwise, be given the following respective interpretations:

(1) "At-risk" shall be defined as, but not limited to:

a. Students who are at least two years behind grade level and are, as a result, older than their peers;

b. Students who have failed to acquire the essential skills needed to stay on grade level;

c. Students who have a history of adjustment or behavioral problems;

d. Students who would be placed on long-term suspension for violations of system regulations;

e. Students who are parents, or who are pregnant;

f. Students whose high school graduation is in jeopardy;

g. Students who are considered at-risk as determined by socioeconomic predictive data.

h. Students who have a history of poor school attendance.

(2) "Drop-out" shall be defined as an individual who:

a. was enrolled in school sometime during the previous school year; and

b. was not enrolled at the beginning of the current school year; and

c. has not graduated from high school or completed an educational program approved by the state board of education; and

d. does not meet any of the following exceptions: transfer to another public school system, private school or other approved education program; or temporary absence due to suspension or school approved illness; or is attending a church school program.

(b) The legislature finds that students at-risk of school failure can be identified early and can be successful in school if appropriate steps are taken to address their educational needs. Accordingly, the state board of education shall cause programs to be developed and designed to identify at-risk students. Such programs shall emphasize the utilization of school counselors for early identification and intervention with students deemed to be at-risk. The state board of education shall develop pilot programs for providing educational and related services reasonably calculated to enable each child in this state who is at-risk to achieve his or her potential and successfully complete the elementary and secondary curriculum. The pilot programs shall include alternatives to suspension for minor disciplinary and academic infractions. These alternatives may include in-school suspension or short-term placements in the alternative educational program. These alternatives may also include programs for detention after school and on weekends as the city or county board of education shall deem necessary. These pilot programs shall include tutorial and remedial programs for students who are deficient in the basic skills of mathematics, English, science and social studies.

(c) The state board of education shall develop pilot programs for students who have instructional or behavioral problems which cannot be met in the regular school program. These alternative programs shall be made available to serve students who, because of their disruptive nature, have been removed from the regular class on a temporary basis and placed in the alternative program. This program shall be designed to give the student the maximum amount of academic support and counseling services to enable the student to return to the regular program.

(d) (1) The state board of education shall design, implement and monitor a pilot program to determine the optimum teacher-pupil ratios for promoting academic achievement for students who are economically or educationally deprived. The state board of education shall design the pilot program with technical assistance of one or more institutions of higher education in the state and regional or national research agencies

which have compiled and analyzed data regarding the impact of class size on academic achievement for at-risk students.

(2) The state board of education shall develop and provide each public school system participating in the pilot program procedures for monitoring student progress as evidenced by student test data and assessing the cost, efficiency and effectiveness of this particular teacher-pupil ratio utilized. Each participating public school system shall submit, beginning June 15, 1992, and annually thereafter, to the state board of education a report respecting any pilot program.

(3) The state board of education shall compile and analyze the information contained in the annual reports submitted pursuant to subsection (d)(2) of this section and shall, on or before September 30, 1993, submit to the Governor and to the legislature a comprehensive report regarding the impact of class size on academic achievement in the state.

(4) Nothing contained in this section shall be construed as repealing, modifying or altering in any way the provisions of Act No. 87-665, codified as Section 16-13-52.1 of the Code of Alabama 1975.

(e) Funds allocated in the annual education appropriation acts for in-school suspension programs for students with disciplinary problems, for the operation of alternative education programs, or for tutorial or remedial programs must be specifically expended for those program activities or other similar programs designed to meet the same objectives. Any funds not used by the local school system to provide for these programs shall revert to the Alabama Special Educational Trust Fund. It is the intent of the legislature that these programs as provided in subsection (d) of this section shall be funded by the annual appropriation from the Alabama Special Educational Trust Fund.

(f) The state board of education shall cause programs to reduce and recover drop-outs to be designed, developed and pilot-tested in school years 1991-92, 1992-93, 1993-94. In 1991-92 programs shall be piloted in no more than ten schools. In 1992-93 programs shall be piloted in no more than ten elementary, ten middle, and ten high schools, not to exceed a total of thirty schools. In 1993-94 such programs may be piloted in additional schools but in no event shall such programs be piloted in more than 25% of the state's schools. In selecting the pilot programs, the latest research on the effectiveness of various strategies to reduce and retrieve dropouts must be considered, including, but not limited to, parental involvement, mentoring, and enrichment programs, including after-school and summer programs and

inter-agency teams. Within the three years following the conclusion of the initial three years of pilot testing, drop-out prevention and retrieval programs must be implemented in all school systems.

(g) The legislature shall appropriate funds for implementation of pilot programs for drop-out prevention and retrieval in school systems and schools. The state department of education, or a school or school system which is pilot testing a dropout and retrieval program, individually or with other participants, may use a portion of the program funds for the purchase of technical assistance during the planning, developing, and implementing of the program. A report on the status of the programs must be provided to the Governor and the legislature by July 1, 1992, and an evaluation report must be provided annually thereafter by July 15, beginning with July 15, 1993.

(h) The state board of education shall approve local school system plans which meet the criteria established by regulation adopted in accordance with this section and shall waive those regulations as requested by the schools and school systems when waiver of the regulations bears a rational relationship to the implementation of the proposed program.

(i) At the conclusion of pilot testing, the state board of education shall also promulgate regulations requiring each school system to develop written objectives and begin detailing plans for a comprehensive dropout prevention and retrieval program using program components found to be effective during pilot testing. Any funds not used by the local school system to provide for the dropout prevention and retrieval program shall revert to the Alabama Special Educational Trust Fund.

(j) An adequate number of schools and school systems selected for pilot testing must be chosen for the purpose of serving as lead schools or school systems. Beginning with the 1992-93 school year, lead schools and systems shall initiate and provide for on-going discussions and work sessions among a network of schools and systems on strategies for implementing programs which are successful in reducing and recovering dropouts. The state board of education shall assist lead schools and school systems in their function as lead schools and systems and shall facilitate the successful operation of the network by distributing funds to the network in accordance with the procedures approved by the state board of education and in accordance with appropriations funded by the legislature. The intent of the legislature is that lead schools or school systems shall develop model programs that may be replicated.

(k) The state board of education shall establish minimum standards for evaluating the potential for success of the school and system dropout prevention and retrieval program. The minimum standards must include outcome measures to be applied to school and system dropout programs within two years after said programs are implemented.

(l) Each year after the 1992-93 school year, the state department of education shall apply the standards set pursuant to paragraph (k) to all school and school systems which have received state funds to operate a dropout prevention and retrieval program for at least two years. When the application of the standards indicate that a school's or system's drop-out prevention and retrieval program is deficient, the state board of education shall direct the local school board to (1) study the dropout prevention and retrieval program in the school or system, (2) identify factors rendering the program deficient, and (3) by not later than July 1 submit for approval to the state board of education a plan for corrective action. During the period that a school or system program is designated as deficient, the state department of education shall monitor and provide guidance on the program and the corrective action planned and continuously furnish advice and technical assistance. If a school or system fails to satisfactorily implement the corrective action plan within six months of approval of said plan, the failure must be indicated in the status of the school's or system's accreditation classification. Funds for monitoring and technical assistance under this subsection must be provided by the legislature in the annual appropriations act.

(m) As a further means of assisting students deemed to be at-risk and/or drop-outs, the state board of education shall adopt policies and procedures:

(1) To implement a comprehensive career awareness program in middle schools to help students appreciate the value of a high school education and understand the consequences of not acquiring a high school diploma;

(2) To require local schools to place strong emphasis on the utilization of school counselors for early identification and intervention of students deemed to be at-risk;

(3) To utilize the existing in-service education centers and to develop and implement a comprehensive, professional development program that prepares teachers to identify and assist the at-risk student;

(4) To require state and local boards of education to adapt/adopt vocational, technical, and other programs to meet the needs of students

at-risk;

(5) To require local school systems to develop plans to redirect resources of the community education program to offer training programs for parents to assist them in dealing with at-risk students and to further encourage parental involvement with all aspects of the total school program;

(6) To require the state and local boards of education to develop at the state and local levels programs to assist pregnant teenagers and teenage parents in acquiring a high school diploma; and

(7) To require state and local school boards to encourage business leaders, community organizations and the public media to support education and to convince parents that education is critical to the future of their children.

(8) To require local school systems to report information on drop-outs to the state superintendent of education who shall make an annual report to the governor and legislature.

(n) Further, the legislature intends that all programs implemented pursuant to this section shall be designed to reach the goals of reducing the dropout rate and increasing the graduation rate of 90 percent by the year 2000.

Section 19. It is the intent of the Legislature that local school systems be permitted to develop flexible school terms extending over the course of the twelve-month calendar year. School systems desiring to use flexible school terms may utilize such scheduling to develop tutorial programs or innovative programs for at-risk students or students deemed academically deficient and to relieve overcrowded classroom conditions. Local school systems desiring to develop flexible school terms shall, upon approval of the local board of education, submit a plan to the state superintendent of education and upon his recommendation and approval by the state board of education, the plan shall be adopted. No provision of the Act shall be interpreted to require personnel employed in local school systems to work longer than their current contract provides. School personnel may work extended contract periods provided the personnel are willing and are paid commensurate with the system's salary schedule.

Section 20. The state board of education shall adopt or modify its policies, standards, regulations and/or procedures to:

(a) Encourage city and county boards of education to create and develop site-based decision-making programs, new and innovative programs and methods of instruction, and to apply to the state board of education for a waiver of any relevant state board of education policy, standard, regulation and/or procedure which, if granted, shall allow such program to be substituted for relevant state board of education mandated policies, statutes, regulation and/or procedures; provided, however, that the state board of education shall not waive any policy, statute, regulation, and/or procedure expressly required by statute. The state superintendent of education shall monitor such programs to ensure the successful performance of students enrolled in schools governed by site-based decision-making programs. No employees shall have diminished or revoked any contractual or due process rights guaranteed by law or policy of the state board of education as a result of the implementation of site-based decision-making programs adopted as a result of this section.

(b) Require the state superintendent of education to review existing state educational statutes and recommend to the legislature, during the 1992 regular session of the legislature, such changes as may be needed to encourage city and county boards of education to create and develop local educational programs designed to improve drop-out rates, parental and community involvement in education, and student performance, and other ways to promote educational enhancement at the local level.

(c) Require the state superintendent of education to recommend to the state board of education and the legislature, during the 1992 regular session of the legislature, a plan under which the state board of education will make grants available to city and county boards of education that restructure their local programs to promote educational enhancement at the local level.

Section 21. (a) The legislature finds a compelling public interest in ensuring that schools are made safe and drug free for all students and school employees. The legislature finds the need for a comprehensive safe school and drug free school policy to be adopted by the state board of education. This policy should establish minimum standards for classes of offenses and prescribe uniform minimum procedures and penalties for those who violate the policies. It is the intent of the legislature that our schools remain safe and drug free for all students and school employees. The state board of education shall adopt and all local boards of education shall uniformly enforce policies that protect all students and school employees. The state board of education shall require local school systems to modify their policies, practices or procedures so as to ensure a safe school environment free of illegal



drugs, alcohol or weapons. Any rules and regulations adopted by the state board of education pursuant to this section shall be exempt from the provisions of Section 41-22-3(3), Code of Alabama 1975. These modifications shall include the formulation of a discipline plan setting forth policies, practices and procedures dealing with students or other persons who bring illegal drugs, alcohol or weapons on a school campus. Such discipline plan shall also include uniform drug-free school policies with uniform penalties. Any person who violates policies concerning illegal drugs, alcohol or weapons adopted by the local school system shall be arrested on the appropriate warrant, if any criminal charge arises from such conduct, signed by the appropriate school authority. If that person is a student enrolled in any public school in the state of Alabama, the local school system shall immediately suspend that person from attending regular classes and schedule a hearing at the earliest possible date. The decision to suspend and/or initiate criminal charges against a student shall include a review and consideration of the student's exceptional status, if applicable, under Section 16-39-2, Code of Alabama 1975, et seq., or appropriate federal, statutory and case law. If any person is found guilty of violating this policy at a hearing caused to be held by the local board of education, such person shall not be admitted to the public schools of this state until any criminal charges or offenses arising from such conduct have been disposed of by proper authorities, and such violator(s) have satisfied all other requirements imposed by the local school system as a condition for re-admission.

(b) No person found guilty of violating a weapons policy may be re-admitted to the public schools of this state without psychiatric or psychological counseling and an accompanying report in writing to the local board of education that the person does not represent a threat to the safety or security of any student or employee of the local school system. It is the intent of the Legislature that all persons violating policies concerning illegal drugs, alcohol or weapons be prosecuted under appropriate laws of the State of Alabama and removed from the school environment until such time as the safety of all students and employees can be ensured.

(c) (1) A copy of the school system's discipline plan shall be distributed to all students enrolled in the system and their parents, guardians or custodians shall read the plan and sign a statement verifying that they have been given notice of the discipline policies of their respective school system. The school board shall have its official discipline plan legally audited on an annual basis to insure that its policies and procedures are currently in compliance with applicable statutes, case law, and state and federal constitutional provisions.

(2) All discipline plans of school systems shall include, but not be limited to, the following:

a. A parent, guardian or custodian of a minor child enrolled in a public school system shall be responsible financially for such child's destructive acts against school property or persons;

b. A parent, guardian or custodian of a minor child enrolled in a public school system may be requested to appear at school by an appropriate school official for a conference regarding acts of the child specified in subsection (a) of this section; and

c. A parent, guardian or custodian of a minor child enrolled in a school system who has been summoned by proper notification by an appropriate school official shall be required under this provision to attend such discipline conference specified in paragraph (b) of this subsection.

(3) Any public school system shall be entitled to recover actual damages, plus necessary court costs, from the parent and/or guardian of any minor who maliciously and willfully damages or destroys property belonging to such school system. However, this section shall not apply to parents whose parental control of such child has been removed by court order or decree or to parents of exceptional children with specific mental and physical impairments if the damage is determined to result from such impairments. The action authorized in this section shall be in addition to all other actions which the school system is entitled to maintain and nothing in this section shall preclude recovery in a greater amount from the minor or from a person, including the parents and/or guardian, for damages to which such minor other person would otherwise be liable.

(4) The provisions of this section shall apply only to acts committed on or after August 1, 1992.

(d) The local school board shall adopt and make available to all teachers, school personnel, students and parents or guardians, at the beginning of the 1992-1993 school year and each school year thereafter, a code of student conduct developed in consultation with teachers, school personnel, students and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and may be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to:

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- (1) Specific grounds for disciplinary action;
- (2) Procedures to be followed for acts requiring discipline; and
- (3) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy and participation in school programs and activities.

(e) Except in the case of excessive force or cruel and unusual punishment, no certified or non-certified employee of the state board of education or any local board of education shall be civilly liable for any action carried out in conformity with state law and system or school rules regarding the control, discipline, suspension and expulsion of students.

Section 22. The legislature directs the state board of education to develop a financial tracking and reporting system of all funds allocated by the Alabama Special Educational Trust Fund Appropriation Act to the local school system and the local schools in each system. Such systems shall be fully implemented no later than the 1994-95 school year.

Section 23. The legislature does hereby designate the Alabama Education Study Commission as a Standards on Excellence Commission. The commission is currently responsible for examining the public elementary and secondary schools and making an annual report on the status of public education to the general public, the legislature and the Governor of the State of Alabama. It is the intent of the legislature that the Alabama Education Study Commission shall examine the required courses, testing programs for teacher candidates, promotion and retention standards, student assessment programs and the performance-based accreditation standards, as well as overall compliance under this Act, and report its findings to the Governor, legislature and the state board of education.

Section 24. Any and all mandates contained in the provisions of this Act shall be mandated only to the extent that funds are appropriated or otherwise made available for the purposes of implementing such mandate.

Section 25. It is the intent of the legislature that any board, commission, council or similar body designated or created pursuant to this Act shall have equitable representation of minorities in proportion to their percentage of the population of the state of Alabama.

Section 26. The definitions hereinabove set forth shall be deemed applicable whether the words defined are used in the singular or plural. Any pronoun used herein shall be deemed to include both the singular and the plural and to cover all genders.

Section 27. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 28. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Education then reported the following amendment No. 1 to the substitute for the Bill, SB 459, to-wit:

#### **AMENDMENT NO. 1 TO SUBSTITUTE FOR SB 459**

Amend the Substitute for Senate Bill No. 459, on Page 28, Line 32, by adding the following after the word "Retardation;":

"the Chairman of the Children's Trust Fund;"

The Standing Committee on Education then reported the following amendment No. 2 to the substitute for the Bill, SB 459, to-wit:

#### **AMENDMENT NO. 2 TO SUBSTITUTE FOR SB 459**

Amend the Substitute for Senate Bill No. 459, on Page 19, Line 32, after "education." by adding the following:

The Governor's appointees shall have expertise and be actually involved in the course of study field under consideration and shall be confirmed by the Senate."

The Standing Committee on Education then reported the following amendment No. 3 to the substitute for the Bill, SB 459, to-wit:

#### **AMENDMENT NO. 3 TO SUBSTITUTE FOR SB 459**

Amend the Substitute for Senate Bill No. 459, on Page 15, Line 18, by deleting word "intentionally"

The Standing Committee on Education then reported the following amendment No. 4 to the substitute for the Bill, SB 459, to-wit:

**AMENDMENT NO. 4 TO SUBSTITUTE FOR SB 459**

Amend the Substitute for Senate Bill No. 459, on Page 13, Line 11, by adding the following sentence after the word "commission."

All such nominees shall have demonstrated experience and ability in the science of test development and administration."

On motion of Senator Bennett, said substitute and amendments, were laid on the table.

Senator Bennett then offered the following substitute for the Bill, SB 459, to-wit:

**SUBSTITUTE FOR SB 459**

**A B I L L  
T O B E E N T I T L E D  
A N A C T**

To give the Act a title; to enumerate the goals of this Act; to amend Section 16-23-3, Code of Alabama 1975, to require the state board of education to adopt policies authorizing under certain circumstances alternative certificates to be issued regardless of whether the recipient is a graduate of an approved teacher program; to provide that persons receiving alternative certificates for three consecutive years may under certain circumstances be granted a teaching certificate pursuant to Section 16-23-1, Code of Alabama 1975, and become eligible for continuing service status; to provide for emergency certificates; to provide that time served pursuant to an alternative certificate shall be counted in determining continuing service status; to amend Sections 16-3-16, 16-23-14, and 16-23-15, Code of Alabama 1975 consistent with Chapter 23 of Title 16, Code of Alabama 1975, as amended; to establish a Professional Teachers Standards Commission and to provide for the designation or development of an entry-level pre-certification examination for teacher candidates in Alabama; to amend Section 16-3-15, Code of Alabama 1975, by defining "required courses" and "elective courses" and by requiring the state board of education to mandate certain required courses for grades 9 through 12 in public schools beginning with students entering the 9th grade in the 1992-93 academic year, and by authorizing the state board of education to approve elective courses in public schools, and by providing that in the event a city or county board of education has met certain specified conditions then such local board may approve elective courses in addition to the required courses set forth and elective courses approved by the state board of education, provided,

however, that if a local board approves an elective course previously approved by the state board of education then the local board is required to use any course content approved by the state board of education for such elective, and by providing that in the event a city or county board of education has not met certain specified conditions then such local board shall offer only elective courses approved by the state board of education, and by providing that the state board of education shall adopt policies, procedures, rules, regulations, and/or standards to require that certain courses must be taken and successfully passed by every student enrolled in grades 9 through 12 of public schools prior to receipt of a diploma, phased in beginning with students entering the 9th grade in the 1992-93 academic year, providing, however, for students identified as eligible for special education services, and by providing that the state board of education shall adopt policies, procedures, rules, regulations, and/or standards to require that a certain number of elective courses must be successfully passed by a student in grades 9 through 12 of public schools prior to such student's graduation or receipt of a diploma, phased in beginning with students entering the 9th grade in the 1992-93 academic year, by providing that the state board of education shall adopt other provisions necessary to fully implement this section so long as such provisions are consistent with all requirements, restrictions, definitions, and limitations of this section, and by providing that the state board of education shall require that certain courses be taught in grades one through eight in all public schools, phased in beginning with students entering grades one through eight in the 1992-93 academic year, and by providing that the state board of education shall adopt necessary policies, procedures, rules, regulations and/or standards to encourage college and university departments of education to review existing educational programs to insure that prospective teachers are properly prepared; to amend Section 16-35-1, Code of Alabama, 1975, as amended, by expanding the courses of study committee; to repeal Sections 16-40-1, 16-40-2, 16-40-3, 16-40-4, 16-40-5.1, 16-40-5.2, 16-40-5.3, 16-40-5.4, 16-40-6, 16-40-7 and 16-40-8, Code of Alabama, 1975, effective August 1, 1992; to require the state board of education to adopt learner outcomes defining what students must know to compete nationally and internationally; to require the state board of education policies to require mechanisms to receive feedback from higher education institutions and the business community; to require the state board of education to eliminate social promotion of students by strengthening promotion and retention standards required of all local school systems; to require local boards of education to provide counseling, tutorial assistance, and remediation when necessary to ensure that students are literate in the skills identified in the required courses of study and have achieved standards of the grade level of learning on course content; to direct to the state board of education to establish a performance-based

accreditation system for all city and county school systems and all public schools to supplement the existing accreditation system; to direct the state board of education to establish specific guidelines and minimum performance levels which reflect the standards required for accreditation and to identify certain standards required for accreditation, which standards shall include a measurement of the academic performance of each school and school system and shall be directly linked with the student assessment program as provided for in this Act; to provide that such accreditation standards shall include minimum requirements for science instructors; to require each city or county school system to submit to the state board of education information as may be required to determine its accreditation status; to provide a means of classifying schools and school systems as excellent, satisfactory or probationary, and providing further for an annual report to be known as the "Report Card on Our Schools and School Systems"; to require non-accredited and accredited probationary city or county school system to develop education improvement plans subject to the approval of the state superintendent of education and designed to cause such school system and each public school to meet standards and minimum performance required for accreditation; to establish a procedure for any member of the public to lodge a complaint against any school or school system if the complaining person has reason to believe such school or school system is failing below the minimum performance standards established herein; to allow the state superintendent of education to intervene in the operation of a non-accredited school system temporarily in the event that such board fails to implement an education improvement plan or is unable or unwilling to meet the standards and minimum performance levels to be accredited; to provide for a lengthened school term of 179 actual teaching days, phased in with one additional teaching day annually from 1992 through 1996; to provide that any employee required to work an additional day or days shall be compensated with a corresponding additional day or days' pay in addition to any cost of living adjustment; to create the Alabama Council on Family and Children for the purpose of coordinating services supporting early childhood development and family involvement in education; to specify the membership of the council, to direct the Alabama Council on Family and Children to submit to the Governor and the legislature recommendations concerning the federally sponsored Head Start Programs and state-sponsored Head Start type programs, including pilot testing thereof, to establish criteria for recognizing preschool students in need of readiness skills and the development of summer programs to aid such students, and to direct the Alabama Council on Family and Children to recommend programs of instruction in professional development for public school instructors, teachers and administrators involved in early childhood development; to amend Section 16-28-4, Code of Alabama 1975, to provide that before a child

may be admitted to the first grade in the public schools such child must have completed one year of kindergarten in either public, private or church school kindergarten; to define "schools of choice" and "school system," to authorize county and city boards of education to implement a Schools of Choice plan for use within their respective school systems consistent with federal and state constitutional, statutory, and administrative provisions of law, including applicable federal or state court orders including but not limited to all applicable federal court desegregation orders, where such plan is adopted by either a resolution of the respective city or county board, or a majority of voters within a particular jurisdiction at a referendum called by a resolution of the respective county or city board of education and held in accordance with special election laws, to require city and county boards to report to the state superintendent and certify compliance of local Schools of Choice plans with applicable federal or state court orders including but not limited to all applicable federal court desegregation orders, and applicable federal and state constitutional, statutory, and administrative provisions of law, to require the state superintendent to submit an annual Schools of Choice report to the state board of education; to require the state board of education to adopt a program to implement a complete, valid and reliable assessment of student achievement in the core curriculum courses for students, and to correlate the results of such tests with the development of promotion and retention standards as required by this Act; to include as part of the assessment certain mandatory student examinations; to require the state board of education to develop and implement an aptitude assessment program; to direct the state board of education to establish a goal of increasing the scale score for passing the Alabama High School Graduation Exam over the next three scholastic years beginning with the exam to be given in the fall of 1992, and direct the state board of education to continually revise the Alabama High School Graduation Exam to ensure that said exam measures the skills and knowledge expected of high school graduates; to provide that all students who participate in work-related programs requiring those students to leave school for more than one instructional period during their regular school day shall have met or exceeded the minimum acceptable level of performance in a test of basic skills; to require the state board of education to adopt a mandatory and enforceable attendance policy for all students, which policy shall recognize that it is the responsibility of every parent or guardian to ensure his/her child is regular in public, private, or church school attendance, and parents shall be held accountable for the failure of the child who is of compulsory attendance age to attend; to provide for increased utilization of advanced technology in Alabama public schools and teacher training programs; to establish a Council on Adult Education and specify the membership thereof, which will develop long-range



recommendations and an inventory of adult education programs and report to the 1992 regular session of the legislature; to provide the Council on Adult Education with support staff provided by the Alabama department of postsecondary education and the state department of education; to require, each public school instructor, teacher, supervisor or administrator to complete a minimum of twelve clock hours of approved instruction in professional development beginning with the 1992-93 school year; to require the Alabama state board of education to provide courses of instruction in professional development and to specify certain subjects which must be offered; to require any public school instructor, teacher, supervisor or administrator who fails to earn twelve clock hours of professional development credits by June 15 to submit a plan for making up the deficiency; to require the local superintendent of education to monitor compliance with the minimum credit hours requirement and to report non-compliance by personnel within his jurisdiction to the state superintendent of education; to direct the state board of education to study programs of instruction in professional development designed to develop leadership skills for school system administrators and principals which utilize expertise from private industry; to direct the state board of education to implement a personnel evaluation system to further assist public school personnel in completing the professional development requirements imposed herein; to identify and define students who are at-risk of poor academic performance, failure or dropping out; to direct the state board of education to cause to be developed programs for providing educational and related services reasonably calculated to enable at-risk children to successfully complete the elementary and secondary curriculum; to direct the state board of education to develop pilot alternative programs for students with behavioral or instructional problems which cannot be met in the regular school program; to direct the state board of education to implement a pilot program to determine the optimum teacher-pupil ratios for promoting academic achievement for students who are economically or educationally deprived; to direct the state board of education to monitor, analyze and report to the Governor and the legislature on such pilot programs; to further direct the state board of education to cause to be developed and piloted dropout prevention and recovery programs; to require the state board of education to designate certain schools or school systems as lead schools or school systems for purposes of implementation of a dropout prevention and retrieval program; to require the state board of education to monitor and provide guidance for schools or school systems with dropout prevention and retrieval programs deemed to be deficient; to direct the state board of education to adopt policies and procedures to implement a comprehensive career awareness program in the middle schools, to place strong emphasis on school counselors to identify students at-risk, to develop professional development programs to prepare teachers for dealing

with students at-risk, to encourage business and community involvement, and to increase the graduation rate to 90% by the year 2000; to provide for the development of flexible school terms extending over the twelve-month calendar year, with approval by the state board of education; and to provide that school personnel may work extended contract periods provided such personnel are willing and are paid commensurate with the system's salary schedule; to require the state board of education to encourage city and county boards of education to develop site based decision-making programs and innovative programs and methods of instruction for local schools and apply to the state board of education for waiver of any relevant state board of education policy, standard, regulation, and/or procedure, so long as the state board of education policy, standard, regulation, and/or procedure is not expressly required by statute, and providing that the state superintendent of education shall monitor such programs, and providing that no employees shall have diminished or revoked any contractual or due process rights guaranteed by law or policy of the state board of education as a result of the implementation of site based decision-making programs adopted as a result of this Act; to require the state board of education to require the state superintendent of education to recommend changes to encourage city and county boards to develop local programs, to require the state board of education to require the state superintendent of education to recommend a plan for grants to city and county boards that restructure local programs to promote educational enhancement at the local level; to require that school boards shall develop and adopt a discipline plan and a code of student conduct, ensuring a safe school environment free of illegal drugs, alcohol or weapons, establishing uniform policies and penalties; to prescribe minimum standards for school discipline and vandalism policies, and to create a cause of action against parents and/or guardians of any minor who damages school property; to provide civil immunity for teachers and other school authorities for carrying out discipline policies in the schools; to require the state board of education to develop a financial tracking and reporting system for all funds allocated by the Alabama Special Educational Trust Fund Appropriation Act to the local school systems and the local schools in each system; to designate the Alabama Education Study Commission as the Standards on Excellence Commission responsible for examining the required courses, testing programs for teacher candidates, promotion and retention standards, student assessment programs and the performance-based accreditation standards, as well as overall compliance under this Act, and to require said commission to report its findings to the Governor, legislature, and state board of education; to provide that any and all mandates contained in the provisions of this Act shall be mandated only to the extent that funds are appropriate or otherwise made available for the purposes of implementing such mandates; to provide the intent of the

legislature that any board, commission, council or similar body designated or created pursuant to this Act shall have equitable representation of minorities; to provide that definitions set forth shall be deemed applicable whether the words defined are used in the singular or plural; to provide that any pronoun used herein shall be deemed to include both the singular and the plural and to cover all genders; to provide for severability; to provide for an effective date.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. This Act shall be known and may be cited as "The Alabama Education Improvement Act of 1991."

Section 2. The legislature hereby acknowledges those national education goals established by the President and the nation's governors as standards applicable to public education in this state. As its statement of Alabama's commitment to education improvement, the legislature finds the following education goals to be worthy of recognition herein:

(1) By the year 2000, all children in Alabama should start school ready to learn.

(2) By the year 2000, the high school graduation rate should be increased to at least 90 percent.

(3) By the year 2000, Alabama students should leave grades four, eight and twelve having demonstrated competency over challenging subject matter including English, mathematics, science, history and geography, and every school in Alabama should ensure that all students learn to use their minds well so that they may be prepared for responsible citizenship, further learning and productive employment in our modern society.

(4) By the year 2000, Alabama students should be among the country's leaders in mathematics and science achievement.

(5) By the year 2000, every adult Alabamian should be literate and should possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

(6) By the year 2000, every school in Alabama should be free of drugs and violence and should offer a disciplined learning environment conducive to learning.

The legislature further recognizes the fundamental changes must

be made in this state's public education system to prepare both children and adults to meet the challenges and opportunities of an increasingly competitive society and world. This Act sets goals and standards for student performance in Alabama schools that merit serious pursuit. Attainment of these goals will require a serious reexamination of every aspect of Alabama's education system and some profound changes in our public schools. With the enactment of the following legislation, the State of Alabama responds to the mandate of its citizenry.

Section 3. (a) Section 16-23-3, Code of Alabama 1975, is hereby amended to read as follows:

"Section 16-23-3

(a) It is the intent of the legislature that the state of Alabama shall modify its policies relative to the certification of teachers to permit an expanded alternative certification program for prospective teachers for grades 9 through 12. In addition to certificates issued pursuant to this Chapter 23 to persons graduating from approved teacher education programs, the state board of education shall adopt policies, procedures, rules, regulations, and/or standards authorizing an alternative certificate to be issued by the state superintendent of education to an individual person, regardless of whether such person is a graduate of an approved teacher education program, where:

"(1) The person has earned a bachelor's or higher degree from a regionally accredited university or college; and

"(2) The person has at least twenty-four months of professional or other experience or study in the field or related fields for which he or she is seeking certification; and

"(3) The person is recommended to the state board of education for an alternative certificate by the state superintendent of education upon the recommendation of the city or county school superintendent in whose system such person shall be employed; and

"(4) The person has demonstrated required satisfactory proficiency on any pre-certification examination requirements then existing for teacher candidates in the state of Alabama pursuant to this Act.

"(b) Any alternative certificate shall be valid for the period of time as shall be set by policies, procedures, rules, regulations, and/or standards which shall be adopted by the state board of education but in no event shall such period extend beyond three years from the date of

issuance of the alternative certificate.

"(c) Where a person has received an alternative certificate or certificates and has been employed for three consecutive years by one county or city school board, such person may be granted a teaching certificate issued by the state superintendent of education pursuant to Section 16-23-1 of the Code of Alabama 1975 when:

"(1) Approved by the state superintendent of education; and

"(2) Approved according to policies, procedures, rules, regulations, and/or standards which shall be adopted by the state board of education. Such policies, procedures, rules, regulations, and/or standards shall require that the recipient of an alternative certificate successfully complete no more than the equivalent of twelve semester hours of college course work in education related courses, as may be determined by the state board of education based upon factors such as the recipient's individual educational background, prior to the issuance of a teaching certificate pursuant to Section 16-23-1 of the Code of Alabama 1975.

"(d) Any person granted a teaching certificate issued by the state superintendent of education pursuant to Section 16-23-1 of the Code of Alabama 1975 following the receipt of an alternative certificate, as herein provided, shall be eligible to attain continuing service status pursuant to Section 16-24-1, et. seq., of the Code of Alabama 1975. Time served as a teacher pursuant to an alternative certificate shall be counted in determining continuing service status pursuant to Section 16-24-2 of the Code of Alabama 1975.

"(e) The state superintendent of education in cases of emergency when certified teachers, including teachers who may have received alternative certificates pursuant to this section, are not available may grant provisional emergency certificates of the different kinds and grades, but a provisional any such emergency certificate shall not be valid for a period to exceed one year expire at the end of the scholastic year for which it is issued, and such provisional emergency certificate shall not be extended or renewed. Time served as a teacher pursuant to an emergency certificate shall not be counted in determining continuing service status pursuant to Section 16-24-2 of the Code of Alabama 1975."

"(f) Any alternative certificate issued pursuant to this section shall be limited to persons teaching grades nine through twelve; provided, however, that an alternative certificate may be issued for

persons teaching grades kindergarten through eight if limited to the subject areas of the fine arts and/or foreign languages."

(b) Section 16-3-16, Code of Alabama 1975, is hereby amended to read as follows:

"16-3-16.

"Subject to the provisions of Chapter 23 of this title, The state board of education, through its executive officer, shall prescribe rules and regulations governing the training and the certification of teachers in the public schools of the state, and for the acceptance of the diplomas of the colleges and universities of Alabama, as well as of other states. The state board of education, with the advice of the state superintendent of education, shall have full power and authority to promulgate and adopt rules and regulations governing the issuance of professional and special, alternative, and emergency certificates consistent with the provisions of Chapter 23 of this title."

(c) Section 16-23-14, Code of Alabama 1975, is hereby amended to read as follows:

"Section 16-23-14.

"For the purpose of setting up standards for the preparation of teachers, supervisors and administrative employees for service in the public schools, the state board of education shall, subject to other provisions of this Chapter 23, authorize and prescribe minimum requirements on courses of study, organization, qualifications of instructors, buildings and equipment and sanitary conditions, and it shall be the duty of the state superintendent of education or his professional assistants to visit institutions engaged in teacher-training, hold conferences with the teachers and officials of such institutions, explain the requirements of the state board of education relating to the preparation of teachers, look into the character of work being done and perform such other services as may be deemed advisable for the improvement of the training provided for prospective teachers of the public schools of the state."

(d) Section 16-23-15, Code of Alabama 1975, is hereby amended to read as follows:

"Section 16-23-15.

"It shall be the duty of the state superintendent of education, or

his professional assistants, to exercise general supervision over the teacher-training institutions under the control of the state board of education subject to other provisions of this Chapter 23. The state superintendent of education, together with the deans or directors of the schools of education in the state-supported institutions of higher learning, shall constitute an advisory council on teacher-training."

(e) Alabama shall use certification by the National Board of Professional Teaching Standards as national reciprocity when national certification has been fully implemented.

Section 4. (a) The legislature finds that Alabama is alone among the Southern states in not testing teacher candidates before allowing them in the classroom, and acknowledges that the need exists to establish, maintain and enforce minimum professional standards for teacher candidates in the state of Alabama. In response to such need, there is hereby created a Professional Teachers Standards Commission (the Commission) for the state of Alabama. The Commission shall consist of eleven members appointed by the governor in the following manner: the Alabama Congress of Parents and Teachers Association, Alabama School Board Association, Alabama Council for School Administration and Supervision, Alabama Education Association, and the Alabama Association of Colleges for Teacher Education shall each designate a representative that together shall form a nominating committee which shall meet at the call of the governor and submit to him a list of twenty names to be considered for initial appointment to the Commission. All such nominees shall have demonstrated experience and ability in the science of test development and administration. Such names shall be submitted to the governor within thirty days immediately following the effective date of this act. If nominations are not received by the governor within such thirty day period, he shall proceed to make such appointments by the various categories as described below from his own selection. The nominations shall include an appropriate number of names to ensure the selection of three practicing elementary teachers (grades kindergarten through five), one practicing middle school teacher (grades six through eight), and two practicing secondary teachers (grades nine through twelve); two school administrators consisting of one school principal and one school superintendent; one member from the faculty of a teacher preparation program; and one member of a local board of education. In addition to the foregoing ten members, the governor shall appoint one member from his own selection, which member shall serve at the pleasure of the governor. Four of the members initially appointed shall serve for three years, four shall serve for two years, and three shall serve for one year. Thereafter, the terms of all members shall be for three years. The governor shall designate at the time of the initial

appointments which members' terms shall be for one, two or three years in duration. At the expiration of the term of any appointee, other than the governor's discretionary appointee, the nominating committee shall recommend to the governor at least two persons for appointment to the position created by the expired term. Vacancies occurring on the Commission shall be filled from the same respective categories as described above and the replacement or reappointed member(s) of the Commission shall serve for the remainder of the unexpired term of his or her predecessor. The governor may reject any name(s) submitted by the nominating committee and in such a case the governor shall call upon the nominating committee to submit additional names for the initial appointees or additional names for the filling of any vacancy on the Commission. No member of the Commission shall serve more than two full terms.

(b) The legislature recognizes that the National Teacher Examination (NTE) or some component thereof is utilized as an examination for teacher candidates in 33 states, including the majority of our surrounding Southern states. It is therefore the intent of the legislature that the Commission select a nationally recognized pre-certification examination such as the NTE for initial certification of teacher candidates in Alabama. The Commission is directed to determine the conditions, if any, which must be satisfied for use of the NTE for the purposes set forth herein. The Commission is further authorized to utilize all means necessary to comply with such conditions so as to allow usage of the NTE as an entry-level pre-certification examination for teacher candidates in Alabama, or to otherwise promote full implementation of this section.

In the event that the Commission is prohibited from utilizing the NTE, its successor examination, or a component of either, for pre-certification, after exhausting all available remedies, then the Commission is authorized to designate or develop a pre-certification examination. Such examination shall adhere to generally accepted test construction methodology and those test construction practices reflected in the NTE, and shall permit evaluation of functional academic skills of teacher candidates including, but not limited to, reading, writing and mathematics.

(c) Any pre-certification examination designated or developed pursuant to this Act shall be administered by the Commission to all teacher candidates seeking certification for the 1994-95 school year. Candidates must demonstrate required satisfactory proficiency, as determined by the Commission from time to time, on such examination prior to becoming eligible to receive a certificate pursuant to Title 16,



Chapter 23, Code of Alabama 1975; provided, however, that such satisfactory proficiency shall not be required for persons to become eligible to receive emergency certificates pursuant to Section 16-23-3, Code of Alabama 1975. Candidates shall have only five opportunities to demonstrate the required satisfactory proficiency, and if such candidate fails to demonstrate the required satisfactory proficiency in the fifth attempt, such candidates shall not be eligible for certification in the state of Alabama.

(d) It is the intent of the legislature that Alabama teacher preparation institutions support the performance of their graduates on such pre-certification examinations and such institutions shall be responsible for providing remediation without any cost to the student who has successfully completed all course requirements for the teacher preparation program but has failed the pre-certification test. The failure of any institution to comply with the provisions of this Act shall be grounds upon which the institution's rights to prepare teachers may be withdrawn. It is the intent of the legislature that upon the designation or development of a pre-certification examination for initial certification of teacher candidates, the Commission shall then proceed to address the improvement of standards for teacher preparation programs. As a result of the administration of the test and to the extent fewer minorities are licensed to teach in Alabama, the Commission shall develop a remedial plan which will be implemented by teacher preparation institutions.

(e) Scores from the tests required under the provisions of this Act shall be reported to and kept by the Commission. Scores shall be given to the candidates tested. Personally identifiable scores shall not be opened or made available to the public, but reports may be prepared and released by the Commission with respect to overall results of scores. Reports of scores as authorized herein may be made at such frequency as the Commission may deem appropriate.

#### Section 5.

(a) Section 16-3-15, Code of Alabama 1975, is hereby amended to read as follows:

"Section 16-3-15.

"(a) The following words and phrases used in this section shall, in the absence of a clear implication otherwise, be given the following respective interpretations:

"(1) "Required courses" means courses which are mandatory and

required to be taken by every student enrolled in public schools in the state of Alabama, grades 9 through 12.

"(2) "Elective courses" means courses which are neither mandatory nor required to be taken by any student enrolled in public schools in the state of Alabama.

"(b) The Alabama legislature finds that Alabama students must become more literate in the basic skills needed to compete successfully in an increasingly global economy. The legislature further finds that the English language is a common bond that holds our society together. It is necessary that the state board of education adopt curriculum policies to ensure that Alabama students have a command of the spoken and written English language. The legislature further finds that students in Alabama schools are not receiving an adequate social studies education. The legislature further finds that in Alabama schools, students earning a standard high school diploma are only required to earn two credits of mathematics after they enter the ninth grade and prior to graduation. The legislature further finds that special attention must be given to the Alabama course of study in science. The state board of education shall mandate but not be limited to requiring the following courses for grades 9 through 12 in all public schools in the state of Alabama, phased in beginning with students entering ninth grade in the 1992-93 academic year;

"(1) Four years (equivalent of four credit units) of English.

"(2) Four years (equivalent of four credit units) of mathematics, including but not limited to material designed to insure that no high school student fails to learn basic mathematical skills and computer literacy.

"(3) Four years (equivalent of four credit units) of science.

"(4) Four years (equivalent of four credit units) of social studies with an emphasis on history, geography, economics and political science. History courses shall include material on the history of the United States and the Constitution of the United States.

"(c) It is the intent of the Legislature that the content of the required courses be developed based on the learner outcomes as defined in Section 6. These learner outcomes shall be based on criterion-referenced tests. Furthermore, credit for required basic core academic courses may be earned in conjunction with vocational courses and/or programs. The Legislature further recognizes that the required courses

may make it difficult to schedule students in vocational programs earning two or more credits annually. It is the intent of the Legislature that local boards of education continue to offer and schedule students into such vocational programs. Therefore, the Legislature directs the state and local boards of education to develop flexible scheduling, integrated curriculums, and all other methods necessary to insure the continued successes of such vocational programs.

"(d) It is the intent of the legislature that, in addition to the required courses, elective courses including but not limited to foreign languages, fine arts, physical education, vocational and technical preparation, be available to all students.

"(1) The state board of education may approve any elective courses as it may deem appropriate for public schools in the state of Alabama.

"(2) In the event a city or county board of education has met all performance-based accreditation standards and promotion and retention standards contained in this Act and all other such provisions of the Code of Alabama, 1975, such local board may approve elective courses in addition to the required courses set forth in this section and elective courses approved by the state board of education pursuant to paragraph (c) (1) of this section; provided, however, that if a local board approves an elective course previously approved by the state board of education, then, in that event, the local school board is required to use any course content approved by the state board of education for such elective.

"(3) In the event a city or county board of education has not met all requirements of performance-based accreditation standards and promotion and retention standards contained in this Act and all other such provisions of the Code of Alabama, 1975, such local board shall offer only elective courses approved by the state board of education pursuant to paragraph (c) (1) of this section.

"(e) The state Board of education shall adopt necessary policies, procedures, rules, regulations and/or standards to require that:

"(1) The required courses set forth in this section must be taken by every student enrolled in grades 9 through 12 of public schools in the state of Alabama, phased in beginning with students entering the ninth grade in the 1992-93 academic year.

"(2) The required courses set forth in this section must be successfully passed by a student enrolled in grades 9 through 12 of public

schools in the state of Alabama prior to such student's graduation or receipt of a diploma, phased in beginning with students entering the ninth grade in the 1992-93 academic year; provided, however, students identified as eligible for special education services as provided by federal and state law shall be required to meet the provisions set forth in the individual education plan prescribed to meet their individual needs as required by law.

"(3) A certain number of elective courses must be successfully passed by a student enrolled in grades 9 through 12 of public schools in the state of Alabama prior to such student's graduation or receipt of a diploma, phased in beginning with students entering the ninth grade in the 1992-93 academic year.

"(4) Other provisions which may be necessary to fully implement this section so long as such provisions are consistent with all requirements, restrictions, definitions, and limitations of this section.

"(f) The state board of education, on the recommendation of the state superintendent of education, shall prescribe the minimum contents of courses of study for all public elementary and high schools in the state, and shall fix the maximum number of books which are compulsory in each grade of the elementary schools. In every elementary school in the state there shall be taught at least reading, spelling, handwriting, arithmetic, oral and written English, geography, history of the United States and Alabama, elementary science, hygiene and sanitation, physical training and such other studies as may be prescribed by the state board of education. Moreover, the state board of education shall require the following courses for grades one through eight in all public schools in the state, phased in beginning with students entering grades one through eight in the 1992-93 academic year; English, social studies, mathematics, and science should be taught each year in grades one through eight. English courses shall include but not be limited to material designed to develop language arts, such as reading, writing, speaking, and listening skills."

"(g) The state board of education shall adopt necessary policies, procedures, rules, regulations and/or standards to encourage college and university departments of education to review their existing educational programs for prospective English, social studies, mathematics and science teachers in order to insure that such prospective teachers are properly prepared to teach the courses required by this section."

(b) Section 16-35-1, Code of Alabama 1975, is hereby amended to read as follows:

Section 16-35-1.

"The state board of education shall constitute appoint a courses of study committee as set forth below for the purposes and functions as hereinafter provided. The state courses of study committee shall consist of 21 28 members to be selected as follows:

"(1) One elementary teacher (grades k through 6) and one secondary teacher (grades 7 through 12) from each of the seven congressional districts who are teaching in the course of study areas to be revised during their terms of office;

"(2) Four members from the state at-large actively engaged in a supervisory or administrative capacity in the field of education and who are knowledgeable or who have had previous teaching experience in the course of study areas to be revised during their term of office;

"(3) Three members who are employees of state institutions of higher learning who are specialists in the course of study areas to be revised during their terms of office.; and

"(4) Seven additional members appointed by the Governor, one from each of the seven congressional districts, each of whom shall be either a business or professional representative not employed in the field of education. The Governor's appointees shall have expertise and be actually involved in the course of study field under consideration and shall be confirmed by the Senate.

"Additional standards for membership on the courses of study committee may be established by the state board of education other than those prescribed hereinabove. Said standards shall be sent to every local board of education and every county and city superintendent.

"Local boards of education, through their superintendents, shall nominate persons to serve on these committees. Local boards shall furnish credentials of each person recommended, including a summary of each person's qualifications for membership in the committee. All nominations along with said credentials shall be forwarded to the state superintendent of education. The state board of education, upon the recommendations of the state superintendent of education, shall appoint all members of the state courses of study committee from the nominees made by the local boards of education. The Governor's appointments need not be nominated by a local board of education, nor recommended by the state superintendent of education, nor approved by the state board of education.

"The term of office of the members of said committee shall be for a period of one year, beginning on the first day of May, 1984; provided, however, that the terms of office for the Governor's initial appointees shall begin immediately upon their initial appointment. The members shall hold office until their successors are appointed."

(c) Sections 16-40-1, 16-4-2, 16-40-3, 16-40-4, 16-40-5.1, 16-40-5.2, 16-40-5.3, 16-40-5.4, 16-40-6, 16-40-7 and 16-40-8, Code of Alabama 1975, are hereby repealed effective August 1, 1992.

Section 6. The state board of education shall by October 1, 1992, adopt learner outcomes that clearly define what Alabama students must know and be able to do in order to be competitive nationally and internationally. The learner outcomes must be linked to expectations for success in college and the world of work. Board policies are to require mechanisms to receive feedback from higher education institutions and the business community to the public schools of the state of Alabama. It is the intent of the legislature that the state board of education clearly defines what a high school graduate in the state of Alabama is expected to know and be able to do.

Section 7. The legislature directs the state board of education to eliminate the social promotion of students by strengthening the promotion and retention standards required of all local school systems. Such policy shall provide that no student shall be allowed to pass to a higher grade or course level so long as he or she fails to achieve at grade level or fails to master the established standards for a particular grade level, level of learning or subject matter content achievement level. Any rules and regulations adopted by the state board of education pursuant to this section shall be exempt from the provisions of Section 41-22-3(3), Code of Alabama 1975. The Legislature recognizes that increased academic requirements, as required by Section 5 of this act, linked to the establishment of promotion and retention standards, as measured by the program for assessment of student achievement, in Section 8 of this act, may increase the dropout rate for students in the public schools of the State of Alabama. It is the intent of the legislature that alternative academic programs shall be established and available to all students prior to the implementation of increased academic requirements and expectations for students. Local boards of education shall provide counseling, tutorial assistance, and remediation when necessary to ensure that students are literate in the skills identified in the required courses of study and have achieved standards of the grade level of learning or course content.

Section 8. (a) The state board of education shall continue the development and implementation of a valid and reliable program for assessment of student achievement. This comprehensive assessment program shall include but not be limited to: (1) normed-referenced assessments to measure student achievement and school ability as compared to a recently normed national sample of similar students; (2) grade level criterion-referenced assessments to measure student performance based on standards established by the state board of education in core curriculum subjects; and (3) criterion-referenced assessment to measure student performance on minimum standards established by the state board of education at elementary, middle, and high school grades and for graduation from high school. At least one of the three assessment examinations described in the preceding sentence shall be administered each year to each student in the second through the eleventh grades in each public school. The graduation examination shall be administered to students in the eleventh and twelfth grades. Students who failed to achieve at least the minimum score on the graduation examination but met all other requirements for a diploma may be administered that examination although they are not currently enrolled in a public school. Priority in the student assessment program shall be given to the development of criterion-referenced tests in courses contained in the core curriculum. The results of student performance on all criterion-referenced tests shall be correlated in such a way that local school systems may include them among criteria used for promotion and retention decisions. The state board of education shall continually update the assessment program to assure the valid assessment of achievement of students enrolled in public schools.

(b) The state board of education shall develop and implement an aptitude program with accompanying interest survey for entering ninth graders. The results of these assessments shall be used in the development of high school students' programs of study and for career planning.

(c) It is the intent of the legislature that a high school diploma earned in the public schools of the state of Alabama reflects the ability of our graduates to have achieved the required twelfth grade skills and knowledge. The legislature directs the state board of education to continue to revise and raise the level of expectation for students taking the high school graduation examination to ensure that the examination measures skills and knowledge that are expected of high school graduates. Accordingly, the state board of education shall establish a goal of increasing the scale score for passing the Alabama High School Graduation Exam over the next three scholastic years beginning with the exam to be given in the fall of 1992. It is the intent of the legislature

that the minimum competency skills as measured by this exam be increased to ensure that the recipient of a high school diploma has reached a higher level of competency. It is further the intent of the legislature that a higher academic performance will be expected of students receiving a high school diploma.

(d) The state board of education shall require that all students who participate in work-related programs requiring those students to leave school for more than one instructional period during their regular school day shall have met or exceeded the minimum acceptable level of performance in the pre-ninth grade test of basic skills as prescribed in subsection (b) above and must not be deficient in credits earned in the academic course requirements.

Section 9. (a) The following words and phrases used in this section shall, in the absence of a clear implication otherwise, be given the following respective interpretations:

(1) "Accreditation" or "Accredited" means that a city or county school system has been determined to meet the requirements for accreditation under the Accreditation System. An accredited school system may be further classified as excellent, satisfactory, or probationary by the state superintendent of education as provided by this section.

(2) "Accreditation System" means the state board of education's accreditation system in effect as of January 1, 1991, as supplanted by the Performance-Based Accreditation System to be established by the state board of education pursuant to this section.

(3) "Education Improvement Plan" means an educational improvement plan developed by a non-accredited, or an accredited probationary, city or county school system pursuant to this section.

(4) "Intervention" means action by the state superintendent of education to temporarily assume the responsibility for the operation and control of one or more public schools under the jurisdiction of a non-accredited city or county school system pursuant to this section.

(5) "Non-accredited" means that a city or county school system or one or more public schools have not met the requirements for accreditation under the Accreditation System.

(b) The state board of education shall, on or before January 1, 1992, establish a Performance-Based Accreditation System for all city and county school systems and all public schools, which shall supplant



the existing accreditation system, to comprise the state of Alabama public school Accreditation System. Each city and county school system and each public school shall be required to be accredited by the state board of education under the Accreditation System in accordance with the provisions of this section. The Accreditation System shall measure the academic performance, in the required courses of study, of each school and school system throughout the state. When the state board of education has determined that a city or county school system and all of the public schools under its jurisdiction have satisfied all requirements for accreditation, which determination shall be made in accordance with and pursuant to this section, such city or county public school system shall be certified by the state board of education as accredited.

(c) The state board of education shall establish specific guidelines and minimum performance levels which reflect the standards required for accreditation. Such standards for accreditation established by the state board of education shall be directly linked, but not limited to, the student assessment program as provided for in this Act. Such standards for accreditation established by the state board of education shall further include, but not be limited to, the requirement that each city and county board of education and, where appropriate, the public schools under its jurisdiction shall:

(1) provide acceptable facilities conducive to an effective teaching and learning environment, including safe buildings having adequate space, heating and air conditioning, restroom facilities and sanitary conditions;

(2) comply with the requirements of federal and state governments and agencies and the state board of education with respect to the condition and safety of vehicles, scheduling of routes, training and licensing of drivers and load capacity of buses;

(3) adhere to the attendance laws of the state and maintain a proper reporting of attendance;

(4) adhere to the courses of study, curriculum offerings, academic and graduation requirements, guidance and counseling services, testing programs and special educational requirements for all students identified as needing such services, in accordance with this Act and state board of education policy. The state board of education shall specifically require that instruction in science in grades one through six shall be taught by teachers who have obtained a minimum of 12 semester hours or 18 quarter hours of science. It is the intent of the legislature that the teacher training institutions prepare all early childhood and

elementary certified teachers to have a broad knowledge of science with emphasis on general, environmental and basic science. It is further the intent of the legislature that the state science course of study committee develop and recommend to the state board of education an early childhood and elementary science program of instruction with a sequential development of science skills and knowledge. The state board of education shall also incorporate into the performance-based accreditation standards, as provided in this section, a requirement that all elementary schools have approved science laboratory facilities for the proper teaching of elementary science courses. It is the goal of the legislature that the provisions of this subsection be fully implemented by the school year 1997-98.

(5) assure that adequate resources for instruction are provided, including textbooks, instructional supplies, community resources, financial allocations for teachers' salaries and other instructional support;

(6) adhere to the state board of education's requirements pertaining to all instructional personnel, including proper certification, assignment, in-service/professional development, evaluation, compensation and instructional competence;

(7) provide all administrative and supervisory personnel with leadership and management training;

(8) adopt an evaluation plan to assess the job performance of teachers, supervisors and principals in accordance with this section; and

(9) prepare an annual educational status report as required by law and regulations adopted by the state board of education. Such status report shall include an assessment of student performance by school and an evaluation of system-wide student performance. Such performance shall be evaluated on criteria established by the state board of education, which criteria shall include, but not be limited to, the student dropout rate; the graduation rate; the average class size; the pupil/teacher ratio; the pupil/administrator ratio; the percentage of students entering postsecondary education or training programs; parent, teacher and student satisfaction; parental involvement; and other performance measures deemed appropriate by the board.

(d) Each city or county school system shall submit to the state board of education for each public school within its jurisdiction such information as may be required by the state board of education to determine its accreditation status pursuant to this section. This report shall include specifics regarding any public school and any aspect of that

school's program, particularly poor student performance, which fail to adhere to the accreditation requirements. This report shall be widely disseminated to the public and discussed by the city or county board of education at a public meeting.

(e) The state superintendent of education may, with the consent of the state board of education, waive compliance with any of the requirements of subsection (c) of this section which the state superintendent of education determines to be impossible of performance without additional state or local funds.

(f) The Accreditation system adopted by the state board of education pursuant to this section shall provide procedures for the periodic review and evaluation of each city or county school system and each public school to determine its accreditation status. Such procedures shall include one or more unannounced on-site visits to each city or county school system and each public school by an educational compliance review team selected and appointed from time to time by the state superintendent of education. The state superintendent of education shall determine whether the city or county school system or the public school, as the case may be, has met the standards and minimum performance levels to be accredited. The state board of education shall also adopt a method whereby the state superintendent of education shall classify those schools and school systems deemed to be accredited as excellent, satisfactory, probationary or any other terms or classifications deemed appropriate by the state board of education. The performance of schools or school systems and their accreditation status and classification, along with any other information deemed necessary by the state board of education to adequately inform and help the public accurately evaluate the performance of local schools and school systems, shall be reported to the public each year and made known to the media on a specified date annually. This annual report shall be known as the "Report Card on Our Schools and School Systems."

(g) The state board of education shall also establish a procedure whereby any person can lodge a complaint against any school or school system if such person has a reason to believe that the performance-based standards established herein are not being complied with and such complaint will be properly investigated and a determination made as to whether such complaint is justified. Such a procedure should establish that such complaint shall first be investigated by the local school system.

(h) In the event that the state superintendent determines that the city or county school system or the public school, as the case may be, has not met the standard and minimum performance levels to be

accredited, the city or county school system or, in the case of a determination with respect to a public school, the school system having jurisdiction over such public school shall be declared to be a non-accredited school system.

(i) A non-accredited, or an accredited probationary, city or county school system shall develop an Education Improvement Plan subject to the approval of the state superintendent of education designed to cause the such board of education and each public school under its jurisdiction to meet the standards and minimum performance levels to be accredited without probationary status within the time period specified, not to exceed three years. The state superintendent shall provide necessary technical assistance in developing the Education Improvement Plan.

(j) The state superintendent of education shall provide consultation, training, and technical assistance to each non-accredited, or accredited probationary, school system to assist in the implementation of an Education Improvement Plan until the expiration of the time period specified in the Plan or until it is determined by the superintendent that the school system is unable or unwilling to meet the standards and minimum performance levels to be accredited.

(k) The legislature intends that the purpose of this section is to provide early warning, intervention, remediation, and receivership for schools and school systems deemed deficient under the performance-based accreditation system established herein. Therefore, in the event that a non-accredited, or an accredited probationary, school system fails to implement an Education Improvement Plan within the time period specified in the Plan, or the state superintendent of education determines that the non-accredited school system is unable or unwilling to meet the standards and minimum performance levels to be accredited or satisfactory, the state superintendent of education, acting with the approval of the state board of education, may intervene in the operation of such school system to temporarily limit or supersede the authority of the board of education over one or more public schools under its jurisdiction. The state board of education shall determine, upon the recommendation of the state superintendent of education: (1) whether the intervention shall be total intervention over all programs or partial intervention in specified program areas of operation; (2) the terms of the intervention; and (3) the length of the intervention. Prior to intervention, the state superintendent of education shall notify such non-accredited or probationary school system in writing of the proposed intervention and hold a public hearing in accordance with regulations adopted by the state board of education.

Section 10. The state board of education shall adopt or modify its policies, regulations, or procedures so as to require that school terms in the public schools of this state are not less than 176 actual teaching days for the 1992-93 scholastic year, with one additional teaching day added to the school terms for 1993-94, 1994-95, and 1995-96, so that the school term in 1995-96 shall be not less than 179 actual teaching days. As used in this section, "actual teaching days" shall be exclusive of institutes, conferences, conventions, and holidays. Any employee required to work an additional day or days above such employee's present contract days shall be compensated with a corresponding additional day or days' pay in addition to any cost of living adjustment provided by the legislature.

Section 11. (a) The legislature finds that there is at present a need in Alabama to coordinate, at the state and local level, the efforts of existing providers of services supporting early childhood development and family involvement in education.

(b) There is hereby established the Alabama Council on Family and Children to be composed of the Governor, who shall be chairperson; the State Superintendent of Education; the Commissioner of the Department of Human Resources; the State Health Officers; the Commissioner of the Department of Mental Health and Mental Retardation; the Chairman of the Children's Trust Fund; and the Director of the Department of Youth Services, or their designated representatives, and one additional member from each congressional district to be appointed by the governor. Said council shall exist for the purpose of coordinating existing services, at the state and local level, supporting early childhood development and family involvement in education and assessing existing programs.

(c) On or before June 30, 1992, the Alabama Council on Family and Children shall submit to the Governor and the legislature a plan which shall include, but not be limited to, recommendations concerning the following:

(1) federally sponsored "Head Start" programs for children in Alabama qualified thereunder;

(2) state-sponsored "Head Start" type programs for other four-year-old children who do not qualify for federally sponsored Head Start. Such recommendations may include the establishment and implementation of pilot programs in at least ten city or county school systems by the

1993-94 school year; and

(3) the establishment of criteria for recognizing pre-school students in need of readiness skills and the development of summer programs to aid such student.

(d) The Alabama Council on Family and Children shall recommend to the state department of education and the advisory council on teacher-training created by Section 16-23-15, Code of Alabama 1975, programs of instruction in professional development for public school instructors, teachers and administrators involved in early childhood development.

Section 12. Section 16-28-4, Code of Alabama 1975, is hereby amended to read as follows:

"Section 16-28-4.

"(a) A child who is six years of age on or before September 1 or the date on which school begins in the enrolling district shall be entitled to admission to the first grade in the public elementary schools at the opening of such schools for that school year or as soon as practicable thereafter; provided that such child shall have first completed one school year of any public, private or church school kindergarten. aA child who is under six years of age on September 1 or the date on which school begins in the enrolling district shall not be entitled to admission to such the first grade in the public elementary schools during that school year; except, that an underage child who transfers from the first grade of a school in another state may be admitted to school upon approval of the board of education in authority, and an underage child who has moved into this state having completed or graduated from a mandated kindergarten program in another state shall be entitled to admission to the public elementary schools regardless of age. A child who becomes six years of age on or before February 1 may, on approval of the board of education in authority, be admitted at the beginning of the second semester of that school year to schools in school systems having semiannual promotions of pupils ,provided that such child shall have first completed one school year of any public, private, or church school kindergarten. Provided, however, the kindergarten requirement specified in this section shall apply to students entering the first grade during and after the 1993-94 school year. Nothing in this section shall be deemed to permit the state board of education to impose standards, regulations or requirements for private or church school kindergarten programs.

"(b) A child who is five years of age on or before September 1 or

the date on which school begins in the enrolling district shall be entitled to admission to the local public school kindergartens at the opening of such schools for that school year or as soon as practicable thereafter; a child who is under five years of age on September 1 or the date on which school begins in the enrolling district shall not be entitled to admission to such schools during that school year; except that, an under-age child who transfers from the public school kindergarten in another state may be admitted to local public kindergarten on the prior approval of the local board of education on a space available basis. The aforementioned underage children transferring from the public school kindergartens of another state, upon successful completion of the kindergarten in the local public schools, will then be allowed admission to the first grade of the local public schools.

"(c) Students who were four years of age on or before October 1, 1989, and are enrolled in a public, private or church four-year old program or kindergarten during the 1989-90 school year will be allowed to enroll in a five-year old public kindergarten, applicable only for the 1990-91 school year and to enroll in grade one of a public school, applicable only for 1991-92 school year. Students who are already enrolled in a public, private or church kindergarten will be allowed to enroll in grade one of a public school, applicable only for the 1990-91 school year.

"(d) No public school system shall lose any teacher unit as a result of this section. The state board of education is authorized to adopt policies for local boards of education for the implementation of this section."

Section 13. It is the intent of the legislature that parents and students have a greater choice in the kinds of public educational programs.

(a) The following words and phrases used in this section shall, in the absence of a clear indication otherwise, be given the following respective interpretations:

(1) "Schools of choice" means an educational plan, including but not limited to magnet school programs and/or alternative school programs, designed to allow parents or guardians of school aged children to choose which public schools their children will attend within a particular county or city school system. Moreover, schools of choice plans may include but shall not be limited to further development of alternative academic programs, vocational schools, fine arts curricula, gifted student programs, post secondary/secondary early option

programs, programs such as the Alabama High School for Math and Science, and the Alabama School of fine Arts, and any other programs that improve and enhance education.

(2) "School system" means the public schools included under the general administration and supervision of a particular county or city board of education.

(b) County and city boards of education are hereby authorized to develop, adopt, and implement a Schools of Choice plan for use within their respective school systems; provided, however, that no such Schools of Choice plan shall be implemented by a county or city board until:

(1) Such plan is adopted by either:

a. a resolution of the respective county or city board of education; or

b. a majority of the voters residing within the geographic jurisdiction of the particular county or city board of education at a referendum called by a resolution of the respective county or city board of education and held in accordance with special election laws as set forth in Section 17-18-1, et seq., Code of Alabama, 1975.

(2) Such plan is in full compliance with all federal or state court orders affecting the respective city or county board of education, including but not limited to all applicable federal court desegregation orders.

(3) Such plan is in full compliance with all applicable federal and state constitutional, statutory, and administrative provisions of law.

(c) Any county or city board of education which adopts a Schools of Choice plan, as set forth herein, whether by resolution or referendum, shall immediately notify the state superintendent of education of the adoption of such plan. Such notification shall include a statement from the particular county or city board of education certifying that such plan is in full compliance with all federal or state court orders affecting the particular city or county board of education, including but not limited to all applicable federal court desegregation orders, and all applicable federal and state constitutional, statutory, and administrative provisions of law.

(d) The state superintendent of education shall submit an annual Schools of Choice report prior to August 1 of each year to the state



board of education which shall:

(1) List each and every city or county board of education which has notified the state superintendent that the respective city or county school board has adopted a Schools of Choice plan. Such list shall include a summary of the contents of each particular Schools of Choice plan.

(2) Set forth any recommendations of the state superintendent of education regarding the development, adoption or implementation of then existing or further Schools of Choice plans.

Section 14. The legislature finds that mandatory attendance policies for schools differ from school system to school system throughout the state of Alabama. The state board of education shall adopt standards for a mandatory and enforceable attendance policy for all students in public schools in the State of Alabama. Parents shall be held accountable in accordance with Sections 16-28-12 and 16-28-7, Code of Alabama 1975, for the failure of the child who is of compulsory attendance age to attend either public, private or church school. Enforcement of this section shall lie with the local board of education and the juvenile court system.

Section 15. (a) The legislature finds that we live in an increasingly complex and highly technical society and that additional instructional initiatives are required at this time.

The legislature further observes that these new instructional technologies include computers, interactive videodisc, CD-ROM, electronic telecommunications and networking via modem, and satellite-based interactive instruction.

The legislature recognizes that teachers in preparation programs (pre-service) and experienced teachers need to have continuing information about technology. Technology training must become an integral part of the teacher preparation program and must be seen as an instructional tool rather than the subject of instruction.

The legislature finds it is necessary that all students graduating from our high schools in the future be technologically literate. Therefore, the legislature directs that:

(1) The state board of education shall develop an in-service plan for professional development of teachers currently employed in the public schools of Alabama and shall ensure that each is computer literate and

adequately prepared to integrate computer technology into every applicable phase of classroom instruction;

(2) The state department of education shall develop procedures by which each institution of higher education in Alabama that has responsibility for preparing teachers, supervisors, and administrators integrates into its teacher education program technology training.

(3) The state board of education shall develop standards and review procedures for the plans of all new K-12 buildings and all major renovations to insure that these facilities take advantage of the new and developing information technologies. These standards shall include but not necessarily be limited to coaxial cabling of all classrooms and laboratories, internal telephone networking for all classrooms and laboratories to provide voice and data capability, safe and secure locations for the placement of satellite dishes, sufficient electrical outlets, and the like;

(4) The state board of education shall provide a plan for the cooperative development and execution of research, demonstration, evaluation, and dissemination of activities related to the effective use of technologies in teaching and learning. These activities shall be planned, designed, and carried out in cooperation with the existing Alabama Regional Inservice Centers (ARIC) and local school systems;

(5) The Alabama Regional Inservice Centers shall develop a plan with budget requirements which will provide technical assistance to other units within their host universities to improve the quality of instruction particularly as it relates to the use of technology at all levels and in all curricula which impact the teacher preparation program. It is the intent of the legislature that this form of assistance will be exclusively in the area of consultation and technical assistance. No ARIC funds shall be used to provide hardware, software, instructional materials, or in any way supplant these functions of those units receiving technical assistance;

(6) The state board of education shall have local school systems inventory on an annual basis their computer and related interactive instructional equipment and compile a report for the state superintendent to submit to the Governor and the legislature. This report should reflect the adequacy or inadequacy of available instructional hardware and software and should project a short-range and long-range acquisition plan for additional materials; and

(7) The state board of education shall develop an approved

format for the development of long-range technology plans to be submitted by each school district. It is the intent of the legislature that this plan includes long-range goals, specific curricula objectives, hardware requirements, software needs, and training needs. The state superintendent of education shall submit to the Governor and the legislature the plan of action and the funding requirements at the budget hearings for the 1993 regular session of the legislature.

(b) The legislature observes that Alabama schools and students would benefit from a coordinated educational technology plan. This plan should be based on a strong commitment to make it possible for all schools to have the benefit of modern technology and shall be submitted to the Governor and legislature during the 1992-93 budget hearings for approval and funding. The legislature directs the state board of education to:

(1) Encourage and coordinate the application of new technologies in the schools.

(2) Support educational technology by developing a plan to maximize the use of technology in the classroom.

(3) Support educational technology by seeking private funding sources for schools.

(4) Strengthen and broaden curricula and professional staff development by maximizing the use of distance learning for students, teachers, and administrators.

(5) Use technology to promote fundamental changes in the learning process.

(6) Use technology to improve teaching and learning.

(7) Use technology to improve efficiency in productivity in education administration.

(8) Develop a plan to enhance student learning in elementary grades through the use of computer software programs that assist in skill development in reading, writing, mathematics, and other subject matter as approved by the board.

(9) Consider the standards for equipment purchased in the future to maximize the exchange of software programs.

(10) Direct the state department of education in collaboration with local school systems to develop computer software libraries.

(11) Develop a plan to equip all school libraries with computers and networking capabilities to enhance student learning.

(12) Develop a plan to maximize efficiency of local child nutrition programs through the utilization of computers.

(13) Develop a plan for the utilization of student records and develop capabilities of electronic transfers of information for all school systems.

(14) Develop a plan to make available to all students information on scholarships and courses.

(15) Develop a plan to equip appropriate vocational courses taught in the secondary schools with modern technology and computers.

(16) Develop a plan for the establishment of computer laboratories to be made available to all students and to provide a computer in the classroom for each teacher.

Section 16. (a) The state board of education shall establish a Council on Adult Education prior to October 1, 1991. The membership of the council shall be as follows:

(1) The Governor or his designated representative.

(2) The State Superintendent of Education.

(3) The Chancellor of the Alabama Department of Postsecondary Education.

(4) The Executive Director of the Alabama Commission on Higher Education.

(5) A member of, as selected by, the Alabama Council for School Administration and Supervision.

(6) A member of, as selected by, the Alabama Association of School Boards.

(7) A member of, as selected by, the Alabama Education Association.

(8) A member of, as selected by, the Alabama Parent Teacher Association.

(9) The director of the Alabama Department of Economic & Community Affairs.

(10) The Governor's Education Liaison.

(11) Five members of the business/professional community appointed by the governor.

(b) The Council on Adult Education, created by this section, shall:

(1) Develop long-range recommendations, for submission to the legislature and the state board of education, designed to establish a coordinated system of adult education in the state of Alabama, including a full assessment of the costs of any such recommendations.

(2) Develop recommendations, for submission to the legislature and the state board of education, designed to coordinate existing adult education programs offered by the state of Alabama through different agencies.

(3) Inventory all existing adult education programs in the state of Alabama and recommend to the legislature and the state board of education whether such programs should be abolished, expanded, or continued at present levels.

(4) Develop recommendations, for submission to the legislature and the state board of education, to encourage business and industry to employ participants in adult education programs.

(5) Establish priorities and performance standards prior to December 31, 1992, and design measurement devices and procedures to determine level of accomplishing specific objectives.

(6) Complete the above directives and submit a written annual report to the legislature and the state board of education beginning with the 1993 regular session of the legislature.

(c) The Council on Adult Education, created by this section, shall be provided with support staff by the Alabama department of postsecondary education and the state department of education.

Section 17. (a) Each public school instructor, teacher, supervi-

sor or administrator within this state shall attend a minimum of twelve clock hours of approved instruction in professional development in each school year beginning with the 1992-93 school year.

(b) The Alabama state board of education shall and must provide courses of instruction in professional development at reasonable times and places not less frequently than once a year. Courses of instruction to be provided shall include, but not be limited to, the following subjects:

- (1) Curriculum updates;
- (2) Recent developments in academic course subject matter;
- (3) Methods of instruction;
- (4) General school improvement; and
- (5) Use of technology.

The legislature specifically directs the state board of education to develop in-service and professional development activities to ensure that current elementary school teachers are properly prepared to teach the Alabama course of study in science, mathematics and social studies.

(c) One clock hour will be given for each actual hour attended in instruction in professional development at professional development programs approved by the state superintendent of education. Hours in excess of the twelve clock hours minimum annual requirement may be carried forward for credit in the next succeeding year only.

(d) Any public school instructor, teacher, supervisor or administrator who fails to earn twelve approved professional development hours by June 15 of a particular year will be deemed not in compliance for that year. A plan for making up the deficiency may be accepted if a deficiency plan is received by the local superintendent of education by June 30.

(e) On or before August 15 of each year each local superintendent of education shall submit to the state superintendent of education a written report of any public school instructor, teacher, supervisor or administrator who fails to earn 12 approved professional development hours during the past school year. The state superintendent of education shall then notify the said employee in writing of his/her failure to complete the required professional development and establish a

deadline by which the employee must be in compliance.

(f) No purchase of materials shall be required at any program of instruction in professional development sponsored by the Alabama state board of education.

(g) The state board of education shall study programs of instruction in professional development designed to develop leadership skills for school system administrators and principals which utilize expertise from private industry.

(h) To further assist public school personnel in fulfilling the mandatory professional development requirements imposed by this section, the state board of education shall:

(1) develop a comprehensive evaluation system for all professional education personnel, beginning with school administrators. The evaluation system should be developed using research-based criteria and should be field-tested and validated through pilot programs.

(2) upon the recommendation of the state superintendent, develop a plan of professional development for all administrators, supervisory personnel and classroom teachers which should be based upon the results of the individual evaluation from each personnel evaluation system. The plan will include a delivery system for professional development activities that should include a variety of service options including, but not limited to those provided by; the regional in-service centers, college and universities, local boards of education, the state department of education, specific topical workshops and seminars presented by professional organizations, lead academy, or recognized professions in the field of education.

(i) The local board of education will have the responsibility of requesting the professional development needs of its system to its assigned regional in-service center. The Alabama regional in-service center shall assist in the design, training, and implementation of new educational technologies for elementary and secondary school personnel. Notwithstanding other legislation, the Alabama regional in-service center should work with the state department of education, school systems and local businesses and industries to determine systematic and cost-effective methods for using a variety of educational technologies to improve teaching and learning in elementary and secondary classrooms.

(j) The Alabama regional in-service centers shall provide when requested, prescriptive in-service training for teachers and administrators

based upon personnel evaluation information--using both individual evaluation results and local school district profiles.

Section 18. (a) The following words and phrases used in this section shall, in the absence of a clear implication otherwise, be given the following respective interpretations:

(1) "At-risk" shall be defined as, but not limited to:

a. Students who are at least two years behind grade level and are, as a result, older than their peers;

b. Students who have failed to acquire the essential skills needed to stay on grade level;

c. Students who have a history of adjustment or behavioral problems;

d. Students who would be placed on long-term suspension for violations of system regulations;

e. Students who are parents, or who are pregnant;

f. Students whose high school graduation is in jeopardy;

g. Students who are considered at-risk as determined by socioeconomic predictive data.

h. Students who have a history of poor school attendance.

(2) "Drop-out" shall be defined as an individual who:

a. was enrolled in school sometime during the previous school year; and

b. was not enrolled at the beginning of the current school year; and

c. has not graduated from high school or completed an educational program approved by the state board of education; and

d. does not meet any of the following exceptions: transfer to another public school system, private school or other approved education program; or temporary absence due to suspension or school approved illness; or is attending a church school program.



(b) The legislature finds that students at-risk of school failure can be identified early and can be successful in school if appropriate steps are taken to address their educational needs. Accordingly, the state board of education shall cause programs to be developed and designed to identify at-risk students. Such programs shall emphasize the utilization of school counselors for early identification and intervention with students deemed to be at-risk. The state board of education shall develop pilot programs for providing educational and related services reasonably calculated to enable each child in this state who is at-risk to achieve his or her potential and successfully complete the elementary and secondary curriculum. The pilot programs shall include alternatives to suspension for minor disciplinary and academic infractions. These alternatives may include in-school suspension or short-term placements in the alternative educational program. These alternatives may also include programs for detention after school and on weekends as the city or county board of education shall deem necessary. These pilot programs shall include tutorial and remedial programs for students who are deficient in the basic skills of mathematics, English, science and social studies.

(c) The state board of education shall develop pilot programs for students who have instructional or behavioral problems which cannot be met in the regular school program. These alternative programs shall be made available to serve students who, because of their disruptive nature, have been removed from the regular class on a temporary basis and placed in the alternative program. This program shall be designed to give the student the maximum amount of academic support and counseling services to enable the student to return to the regular program.

(d)(1) The state board of education shall design, implement and monitor a pilot program to determine the optimum teacher-pupil ratios for promoting academic achievement for students who are economically or educationally deprived. The state board of education shall design the pilot program with technical assistance of one or more institutions of higher education in the state and regional or national research agencies which have compiled and analyzed data regarding the impact of class size on academic achievement for at-risk students.

(2) The state board of education shall develop and provide each public school system participating in the pilot program procedures for monitoring student progress as evidenced by student test data and assessing the cost, efficiency and effectiveness of this particular teacher-pupil ratio utilized. Each participating public school system shall submit, beginning June 15, 1992, and annually thereafter, to the state board of education a report respecting any pilot program.

(3) The state board of education shall compile and analyze the information contained in the annual reports submitted pursuant to subsection (d)(2) of this section and shall, on or before September 30, 1992, submit to the Governor and to the legislature a comprehensive report regarding the impact of class size on academic achievement in the state.

(4) Nothing contained in this section shall be construed as repealing, modifying or altering in any way the provisions of Act No. 87-665, codified as Section 16-13-52.1 of the Code of Alabama 1975.

(e) Funds allocated in the annual education appropriation acts for in-school suspension programs for students with disciplinary problems, for the operation of alternative education programs, or for tutorial or remedial programs must be specifically expended for those program activities or other similar programs designed to meet the same objectives. Any funds not used by the local school system to provide for these programs shall revert to the Alabama special Educational Trust Fund. It is the intent of the legislature that these programs as provided in subsection (d) of this section shall be funded by the annual appropriation from the Alabama Special Educational Trust Fund.

(f) The state board of education shall cause programs to reduce and recover drop-outs to be designed, developed and pilot-tested in school years 1991-92, 1992-93, 1993-94. In 1991-92 programs shall be piloted in no more than ten schools. In 1992-93 programs shall be piloted in no more than ten elementary, ten middle, and ten high schools, not to exceed a total of thirty schools. In 1993-94 such programs may be piloted in additional schools but in no event shall such programs be piloted in more than 25% of the state's schools. In selecting the pilot programs, the latest research on the effectiveness of various strategies to reduce and retrieve dropouts must be considered, including, but not limited to, parental involvement, mentoring, and enrichment programs, including after-school and summer programs and inter-agency teams. Within the three years following the conclusion of the initial three years of pilot testing, drop-out prevention and retrieval programs must be implemented in all school systems.

(g) The legislature shall appropriate funds for implementation of pilot programs for dropout prevention and retrieval in school systems and schools. The state department of education, or a school or school system which is pilot testing a dropout and retrieval program, individually or with other participants, may use a portion of the program funds for the purchase of technical assistance during the planning, developing, and implementing of the program. A report on the status of the programs

must be provided to the Governor and the legislature by July 1, 1992, and an evaluation report must be provided annually thereafter by July 15, beginning with July 15, 1993.

(h) The state board of education shall approve local school system plans which meet the criteria established by regulation adopted in accordance with this section and shall waive those regulations as requested by the schools and school systems when waiver of the regulations bears a rational relationship to the implementation of the proposed program.

(i) At the conclusion of pilot testing, the state board of education shall also promulgate regulations requiring each school system to develop written objectives and begin detailing plans for a comprehensive dropout prevention and retrieval program using program components found to be effective during pilot testing. Any funds not used by the local school system to provide for the dropout prevention and retrieval program shall revert to the Alabama Special Educational Trust Fund.

(j) An adequate number of schools and school systems selected for pilot testing must be chosen for the purpose of serving as lead schools or school systems. Beginning with the 1992-93 school year, lead schools and systems shall initiate and provide for on-going discussions and work sessions among a network of schools and systems on strategies for implementing programs which are successful in reducing and recovering dropouts. The state board of education shall assist lead schools and school systems in their function as lead schools and systems and shall facilitate the successful operation of the network by distributing funds to the network in accordance with the procedures approved by the state board of education and in accordance with appropriations funded by the legislature. The intent of the legislature is that lead schools or school systems shall develop model programs that may be replicated.

(k) The state board of education shall establish minimum standards for evaluating the potential for success of the school and system dropout prevention and retrieval program. The minimum standards must include outcome measures to be applied to school and system dropout programs within two years after said programs are implemented.

(1) Each year after the 1992-93 school year, the state department of education shall apply the standards set pursuant to paragraph (k) to all school and school systems which have received state funds to operate a dropout prevention and retrieval program for at least two years. When the application of the standards indicate that a school's or system's drop-

out prevention and retrieval program is deficient, the state board of education shall direct the local school board to (1) study the dropout prevention and retrieval program in the school or system, (2) identify factors rendering the program deficient, and (3) by not later than July 1 submit for approval to the state board of education a plan for corrective action. During the period that a school or system program is designated as deficient, the state department of education shall monitor and provide guidance on the program and the corrective action planned and continuously furnish advice and technical assistance. If school or system fails to satisfactorily implement the corrective action plan within six months of approval of said plan, the failure must be indicated in the status of the school's or system's accreditation classification. Funds for monitoring and technical assistance under this subsection must be provided by the legislature in the annual appropriations act.

(m) As a further means of assisting students deemed to be at-risk and/or drop-outs, the state board of education shall adopt policies and procedures:

(1) To implement a comprehensive career awareness program in middle schools to help students appreciate the value of a high school education and understand the consequences of not acquiring a high school diploma;

(2) To require local schools to place strong emphasis on the utilization of school counselors for early identification and intervention of students deemed to be at-risk;

(3) To utilize the existing in-service education centers and to develop and implement a comprehensive, professional development program that prepares teachers to identify and assist the at-risk student;

(4) To require state and local board of education to adapt/adopt vocational, technical, and other programs to meet the needs of students at-risk;

(5) To require local school systems to develop plans to redirect resources of the community education program to offer training programs for parents to assist them in dealing with at-risk students and to further encourage parental involvement with all aspects of the total school program;

(6) To require the state and local boards of education to develop at the state and local levels programs to assist pregnant teenagers and teenage parents in acquiring a high school diploma; and

(7) To require state and local school boards to encourage business leaders, community organizations and the public media to support education and to convince parents that education is critical to the future of their children.

(8) To require local school systems to report information on dropouts to the state superintendent of education who shall make an annual report to the governor and legislature.

(n) Further, the legislature intends that all programs implemented pursuant to this section shall be designed to reach the goals of reducing the dropout rate and increasing the graduation rate of 90 percent by the year 2000.

Section 19. It is the intent of the Legislature that local school systems be permitted to develop flexible school terms extending over the course of the twelve-month calendar year. School systems desiring to use flexible school terms may utilize such scheduling to develop tutorial programs or innovative programs for at-risk students or students deemed academically deficient and to relieve overcrowded classroom conditions. Local school systems desiring to develop flexible school terms shall, upon approval of the local board of education, submit a plan to the state superintendent of education and upon his recommendation and approval of by the state board of education, the plan shall be adopted. No provision of the Act shall be interpreted to require personnel employed in local school systems to work longer than their current contract provides. School personnel may work extended contract periods provided the personnel are willing and are paid commensurate with the system's salary schedule.

Section 20. The state board of education shall adopt or modify its policies, standards, regulations and/or procedures to:

(a) Encourage city and county boards of education to create and develop site-based decision-making programs, new and innovative programs and methods of instruction, and to apply to the state board of education for a waiver of any relevant state board of education policy, standard, regulation and/or procedure which, if granted, shall allow such program to be substituted for relevant state board of education mandated policies, statutes, regulation and/or procedures; provided, however, that the state board of education shall not waive any policy, statute, regulation, and/or procedure expressly required by statute. The state superintendent of education shall monitor such programs to ensure the successful performance of students enrolled in schools governed by site-based decision-making programs. No employees shall have diminished

or revoked any contractual or due process rights guaranteed by law or policy of the state board of education as a result of the implementation of site-based decision-making programs adopted as a result of this section.

(b) Require the state superintendent of education to review existing state educational statutes and recommend to the legislature, during the 1992 regular session of the legislature, such changes as may be needed to encourage city and county boards of education to create and develop local educational programs designed to improve drop-out rates, parental and community involvement in education, and student performance, and other ways to promote educational enhancement at the local level.

(c) Require the state superintendent of education to recommend to the state board of education and the legislature, during the 1992 regular session of the legislature, a plan under which the state board of education will make grants available to city and county boards of education that restructure their local programs to promote educational enhancement at the local level.

Section 21. (a) The legislature finds a compelling public interest in ensuring that schools are made safe and drug free for all students and school employees. The legislature finds the need for a comprehensive safe school and drug free school policy to be adopted by the state board of education. This policy should establish minimum standards for classes of offenses and prescribe uniform minimum procedures and penalties for those who violate the policies. It is the intent of the legislature that our schools remain safe and drug free for all students and school employees. The state board of education shall adopt and all local boards of education shall uniformly enforce policies that protect all students and school employees. The state board of education shall require local school systems to modify their policies, practices or procedures so as to ensure a safe school environment free of illegal drugs, alcohol or weapons. Any rules and regulations adopted by the state board of education pursuant to this section shall be exempt from the provisions of Section 41-22-3(3), Code of Alabama 1975. These modifications shall include the formulation of a discipline plan setting forth policies, practices and procedures dealing with students or other persons who bring illegal drugs, alcohol or weapons on a school campus. Such discipline plan shall also include uniform drug-free school policies with uniform penalties. Any person who violates policies concerning illegal drugs, alcohol or weapons adopted by the local school system shall be arrested on the appropriate warrant, if any criminal charge arises from such conduct, signed by the appropriate school authority. If that person is a student enrolled in any public school in the state of Alabama, the

local school systems shall immediately suspend that person from attending regular classes and schedule a hearing at the earliest possible date. The decision to suspend and/or initiate criminal charges against a student shall include a review and consideration of the student's exceptional status, if applicable, under Section 16-39-2, Code of Alabama 1975, et. seq, or appropriate federal, statutory and case law. If any person is found guilty of violating this policy at a hearing caused to be held by the local board of education, such person shall not be admitted to the public schools of this state until any criminal charges or offenses arising from such conduct have been disposed of by proper authorities, and such violator(s) have satisfied all other requirements imposed by the local school system as a condition for readmission.

(b) No person found guilty of violating a weapons policy may be readmitted to the public schools of this state without psychiatric or psychological counseling and an accompanying report in writing to the local board of education that the person does not represent a threat to the safety or security of any student or employee of the local school system. It is the intent of the Legislature that all persons violating policies concerning illegal drugs, alcohol or weapons be prosecuted under appropriate laws of the State of Alabama and removed from the school environment until such time as the safety of all students and employees can be ensured.

(c)(1) A copy of the school system's discipline plan shall be distributed to all students enrolled in the system and their parents, guardians or custodians shall read the plan and sign a statement verifying that they have been given notice of the discipline policies of their respective school system. The school board shall have its official discipline plan legally audited on an annual basis to insure that its policies and procedures are currently in compliance with applicable statutes, case law, and state and federal constitutional provisions.

(2) All discipline plans of school systems shall include, but not be limited to, the following:

a. A parent, guardian or custodian of a minor child enrolled in a public school system shall be responsible financially for such child's destructive acts against school property or persons;

b. A parent, guardian or custodian of a minor child enrolled in a public school system may be requested to appear at school by an appropriate school official for a conference regarding acts of the child specified in subsection (a) of this section; and

c. A parent, guardian or custodian of a minor child enrolled in a school system who has been summoned by proper notification by an appropriate school official shall be required under this provision to attend such discipline conference specified in paragraph (b) of this subsection.

(3) Any public school system shall be entitled to recover actual damages, plus necessary court costs, from the parent and/or guardian of any minor who maliciously and willfully damages or destroys property belonging to such school system. However, this section shall not apply to parents whose parental control of such child has been removed by court order or decree or to parents of exceptional children with specific mental and physical impairments if the damage is determined to result from such impairments. The action authorized in this section shall be in addition to all other actions which the school system is entitled to maintain and nothing in this section shall preclude recovery in a greater amount from the minor or from a person, including the parents and/or guardian, for damages to which such minor other person would otherwise be liable.

(4) The provisions of this section shall apply only to acts committed on or after August 1, 1992.

(d) The local school board shall adopt and make available to all teachers, school personnel, students and parents or guardians, at the beginning of the 1992-93 school year and each school year thereafter, a code of student conduct developed in consultation with teachers, school personnel, students and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and may be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to:

(1) Specific grounds for disciplinary action;

(2) Procedures to be followed for acts requiring discipline; and

(3) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy and participation in school programs and activities.

(e) Except in the case of excessive force or cruel and unusual punishment, no certified or non-certified employee of the state board of education or any local board of education shall be civilly liable for any



action carried out in conformity with state law and system or school rules regarding the control, discipline, suspension and expulsion of students.

Section 22. The legislature directs the state board of education to develop a financial tracking and reporting system of all funds allocated by the Alabama Special Educational Trust Fund Appropriation Act to the local school system and the local schools in each system. Such systems shall be fully implemented no later than the 1994-95 school year.

Section 23. The legislature does hereby designate the Alabama Education Study commission as a Standards on Excellence Commission. The commission is currently responsible for examining the public elementary and secondary schools and making an annual report on the status of public education to the general public, the legislature and the Governor of the State of Alabama. It is the intent of the legislature that the Alabama Education Study commission shall examine the required courses, testing programs for teacher candidates, promotion and retention standards, student assessment programs and the performance-based accreditation standards, as well as overall compliance under this Act, and report its findings to the Governor, legislature and the state board of education.

Section 24. Any and all mandates contained in the provisions of this Act shall be mandated only to the extent that funds are appropriated or otherwise made available for the purposes of implementing such mandate.

Section 25. It is the intent of the legislature that any board, commission, council or similar body designated or created pursuant to this Act shall have equitable representation of minorities in proportion to their percentage of the population of the state of Alabama.

Section 26. The definitions here in above set forth shall be deemed applicable whether the words defined are used in the singular or plural. Any pronoun used herein shall be deemed to include both the singular and the plural and to cover all genders.

Section 27. The provisions of this Act shall not discriminate on the basis of race, sex, religion or national origin.

Section 28. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 29. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Parsons offered the following amendment to the substitute for the Bill, SB 459, to-wit:

**AMENDMENT TO SUBSTITUTE FOR SB 459**

On page 16, line 35, insert a new subdivision (1) as follows and renumber accordingly:

"(1) Notwithstanding any other provisions of this act to the contrary, the state board of education shall not institute any policies that would diminish the instruction of patriotism, prevention of cruelty to animals, and flag etiquette and

On motion of Senator Bennett, said amendment was laid on the table.

Yeas 15 Nays 7

Yeas:

Senators:

Bedsole, Bennett, Bolling, deGraffenried, Dial, Ellis, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuit, and Waggoner -15

Nays:

Senators:

Amari, Bailey, Corbett, Floyd, Foshee, Langford, and Parsons - 7

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 534.** To authorize certain state instrumentalities or agencies to purchase and pay for group health, accident or hospitalization insurance coverage for its officers and employees and to contract with the State Employees Insurance Board to provide such insurance coverage.

JIM PREUITT,  
Chairperson.

**FURTHER CONSIDERATION OF SB 459**

The Senate proceeded to further consideration of the Bill, SB 459. The question was on the Bennett substitute.

Senator Bailey offered the following amendment to the substitute for the Bill, SB 459, to-wit:

**AMENDMENT TO SUBSTITUTE FOR SB 459**

Amend SENATE Bill No. 459, on Page 4, Line 23, after the word "kindergarten", by inserting the words "and to provide for waivers and academic readiness tests".

Further amend SENATE Bill No. 459, on Page 29, Line 20, by adding the following new language and renumbering all remaining subsections accordingly:

(b) Any child who will be six (6) or seven (7) years of age on or before September 1 of the school year of enrollment, who has not completed one school year of a kindergarten program and for whom a kindergarten waiver form was filed or who has moved into this state from another state that does not have a mandatory kindergarten program, shall be given an academic readiness test prescribed by regulation of the state department of education and shall be placed either in the first grade or kindergarten depending upon the results of the academic readiness test.

(c) Any parent, guardian or other person residing within the state, who has custody or charge of any child or children and who determines that such child or children are not ready for group schooling, may elect for the child or children not to attend kindergarten if the child or children will not be age seven (7) on September 1 of that particular school year. If such an election is made, the parent, guardian or other person having custody or charge of the child must file a signed kindergarten waiver form with the local school system. Such form shall be prescribed by regulation of the state department of education. On filing the kindergarten waiver form, the child or children shall not be required to attend kindergarten in that school year.

**MOTION TO ADJOURN LOST**

At 4:30 P.M., Senator Corbett moved that the Senate adjourn until Tuesday, June 25, 1991, at 10 o'clock A.M., which motion was lost.

Yeas 9 Nays 13

Yeas:

Senators:

Amari, Bailey, Corbett, Floyd, Langford, Parsons, Smith (J),  
Waggoner, and Windom - 9

Nays:

Senators:

Bedsole, Bennett, deGraffenried, Denton, Ellis, Foshee, Hale, Horn,  
Lipscomb, Little, Mitchell, Owens, and Preuit -13**FURTHER CONSIDERATION OF SB 459**

The Senate proceeded to further consideration of the Bill, SB 459. The question was on the Bailey amendment to the Bennett substitute.

On motion of Senator Bennett, the Rules were suspended and further consideration of the Bill, SB 459, and pending substitute and amendment, was postponed.

Yeas 15 Nays 8

Yeas:

Senators:

Barron, Bedsole, Bennett, deGraffenried, Denton, Ellis, Floyd, Foshee,  
Ghee, Hale, Horn, Little, Mitchell, Owens, and Preuit -15

Nays:

Senators:

Amari, Bailey, Corbett, Dial, Langford, Lipscomb, Waggoner, and  
Windom - 8**REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolution delivered to the Governor with the date and hour of delivery, to-wit:

SJR 88

Delivered to the Governor, June 20, 1991, at 2:15 P.M.

McDOWELL LEE,  
Secretary of Senate.

**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**ADJOURNMENT**

At 4:50 P.M., on motion of Senator deGraffenried, in accordance with Motion heretofore adopted, the Senate adjourned until Tuesday, June 25, 1991, at 10 o'clock A.M.

Yeas 14 Nays 9

Yeas:

Senators:

Bedsole, Bennett, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Mitchell, Owens, and Preuit

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Nays:

Senators:

Amari, Bailey, Corbett, Langford, Lipscomb, Little, Parsons, Waggoner, and Windom

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## **TWENTY-SECOND LEGISLATIVE DAY**

**TUESDAY, JUNE 25, 1991**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Alex Saks, Manager, WLBF Radio Station, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Miles Waldrip, Good Hope Elementary School, Cullman, Alabama.

### **ROLL CALL**

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**JIM PREUITT,**  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Preuitt, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senator Figures for today.

**RESOLUTIONS**

Senator deGraffenried offered the following Senate Joint Resolution, to-wit:

**SJR 112. RELATIVE TO MEETING DAYS.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two Houses of the Legislature adjourn today, Tuesday, June 25, 1991, they adjourn to meet again on Wednesday, June 26, 1991; and when they adjourn on Wednesday, June 26, 1991, they adjourn to meet again on Thursday, June 27, 1991; and when they adjourn on Thursday, June 27, 1991, they adjourn to meet again on Tuesday, July 9, 1991.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**SR 113. RELATIVE TO ADJOURNMENT.**

BE IT RESOLVED BY THE SENATE OF ALABAMA, That when we adjourn today, we agree to meet again on Wednesday, June 26 at 12:01 A.M. and that when we adjourn on Wednesday, June 26, we agree to meet again on Thursday, June 27 at 12:01 A.M.

Which resulted in a tie vote.

Yeas 12 Nays 12

Yeas:

Senators:

Bedsole, Bennett, deGraffenried, Denton, Foshee, Hale, Horn, Lindsey,  
Lipscomb, Mitchell, Owens, and Preuitt -12

Nays:

Senators:

Amari, Bailey, Campbell, Corbett, Dial, Dixon, Floyd, Ghee, Hilliard,  
Little, Wilson, and Windom -12

The President and the Presiding Officer voted "Yea," therefore,  
the Resolution, SR 113, was then adopted.

The Standing Committee on Rules then offered the following  
Senate Resolution, to-wit:

**SR 114. SPECIAL ORDER CALENDAR.**

RESOLVED BY THE SENATE That the following bills in the  
order named shall be the paramount and continuing order of business  
taking precedence over all other matters until disposed of:

Inst Id	Page
<b>H. 551</b>	167
Gasoline and diesel fuel inspection fees increased; revenues deposited in Highway Trust Fund, Secs. 8-17-87 and 8-17- 91 am'd.	
<b>H. 550</b>	166
Provides for Alabama Economic and Developmental Highway system and its trust fund	
<b>H. 552</b>	168
Motor vehicle licensure and registration fees increased; fees deposited in Highway Trust Fund	
<b>H. 553</b>	169
Alabama Uniform Certificate of Title and Anti-theft Act, add'l. fees for processing documents, fees deposited into Highway Trust Fund, Secs. 32-8-6, 32-8-7 am'd.	
<b>H. 555</b>	169
Industrial Access Road and Bridge Corporation, outstanding bonds, increase amount of, Sec. 23-6-8 am'd.	



<b>H. 556</b>	170
Traffic law enforcement equipment, approp. from public road and bridge fund of Highway Dept. to Public Safety Dept. for purchase of	

Senator Windom offered the following substitute for the Resolution, SR 114, to-wit:

**SUBSTITUTE FOR SR 114**

**SR 114. SPECIAL ORDER CALENDAR.**

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters until disposed of:

Inst Id	Page
<b>H. 204</b>	171
General Fund Budget	
<b>H. 551</b>	167
Gasoline and diesel fuel inspection fees increased; revenues deposited in Highway Trust Fund, Secs. 8-17-87 and 8-17-91 am'd.	
<b>H. 550</b>	166
Provides for Alabama Economic and Developmental Highway system and its trust fund	
<b>H. 552</b>	168
Motor vehicle licensure and registration fees increased; fees deposited in Highway Trust Fund	
<b>H. 553</b>	169
Alabama Uniform Certificate of Title and Anti-theft Act, add'l. fees for processing documents, fees deposited into Highway Trust Fund, Secs. 32-8-6, 32-8-7 am'd.	
<b>H. 555</b>	169
Industrial Access Road and Bridge Corporation, outstanding bonds, increase amount of, Sec. 23-6-8 am'd.	
<b>H. 556</b>	170
Traffic law enforcement equipment, approp. from public	

road and bridge fund of Highway Dept. to Public Safety  
Dept. for purchase of

On motion of Senator Foshee, said substitute was laid on the table.

Yeas 18 Nays 13  
Abstaining 1

Yeas:

Senators:

Barron, Bedsole, Bennett, deGraffenried, Denton, Dial, Ellis, Foshee,  
Ghee, Hale, Horn, Lindsey, Little, Mitchell, Owens, Preuitt, Smith (B),  
and Waggoner -18

Nays:

Senators:

Amari, Bailey, Campbell, Corbett, Dixon, Floyd, Hilliard, Langford,  
Lipscomb, Parsons, Smith (J), Wilson, and Windom -13

Abstaining: Senator Sanders

-1

Senator Amari offered the following substitute for the Resolution,  
SR 114, to-wit:

#### **SUBSTITUTE FOR SR 114**

#### **SR 114. SPECIAL ORDER CALENDAR.**

RESOLVED BY THE SENATE That the following bills in the  
order named shall be the paramount and continuing order of business  
taking precedence over all other matters until disposed of or for the 22nd  
legislative day only:

Inst Id	Page
<b>H. 789</b>	172
Pardons and Parole	
<b>H. 204</b>	171
General Fund	
<b>H. 813</b>	171
Tax on Hazardous Waste	
<b>S. 445</b>	103
Forever Wild	

On motion of Senator deGraffenried, said substitute was laid on the table.

Yeas 18 Nays 12  
Abstaining 1

Yeas:

Senators:

Barron, Bedsole, Bennett, deGraffenried, Denton, Dial, Ellis, Foshee, Ghee, Hale, Horn, Lindsey, Little, Mitchell, Owens, Preuitt, Smith (B), and Waggoner -18

Nays:

Senators:

Amari, Bailey, Campbell, Corbett, Dixon, Floyd, Hilliard, Langford, Lipscomb, Parsons, Wilson, and Windom -12

Abstaining: Senator Sanders -1

On motion of Senator deGraffenried, the Resolution was then adopted by the Senate.

### **SPECIAL ORDER**

#### **BILLS ON THIRD READING**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill, HB 551.

#### **BUDGET ISOLATION RESOLUTION**

Senator deGraffenried, B.I.R., HB 551, lost, for failure to receive the required three-fifths of those present and voting.

Yeas 16 Nays 15  
Abstaining 1

Yeas:

Senators:

Bedsole, Bennett, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Hale, Horn, Lindsey, Mitchell, Owens, Preuitt, Smith (B), and Waggoner -16

Nays:

Senators:

Amari, Bailey, Barron, Campbell, Corbett, Dixon, Ghee, Hilliard, Langford, Lipscomb, Little, Parsons, Smith (J), Wilson, and Windom -15

Abstaining: Senator Sanders

-1

## RECESSES

At 11:40 A.M., Senator deGraffenried moved that the Senate take a recess until 1 o'clock P.M., which motion was adopted.

Yeas 17 Nays 14

Yeas:

Senators:

Barron, Bedsole, Bennett, deGraffenried, Denton, Dial, Ellis, Foshee, Ghee, Hale, Horn, Little, Mitchell, Owens, Preuitt, Smith (B), and Waggoner -17

Nays:

Senators:

Amari, Bailey, Campbell, Corbett, Dixon, Floyd, Hilliard, Langford, Lindsey, Lipscomb, Parsons, Smith (J), Wilson, and Windom -14

At 1 o'clock P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

At 1:05 P.M., Senator deGraffenried moved that the Senate take a recess until 5 o'clock P.M., which motion was adopted.

At 5 o'clock P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

## ADJOURNMENT

At 5:05 P.M., on motion of Senator deGraffenried, in accordance with Senate Resolution heretofore adopted, the Senate adjourned until Wednesday, June 26, 1991, at 12:01 A.M.

Yeas 17 Nays 15

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Ellis, Foshee, Ghee, Hale, Horn, Mitchell, Mitchem, Owens, Preuitt, Smith (B), and Waggoner -17

Nays:

Senators:

Amari, Bailey, Campbell, Corbett, Dial, Dixon, Floyd, Hilliard, Langford, Lipscomb, Little, Sanders, Smith (J), Wilson, and Windom -15

## **TWENTY-THIRD LEGISLATIVE DAY**

**WEDNESDAY, JUNE 26, 1991**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by Senator Albert Lipscomb, 32nd Senatorial District.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Lisa Helms, Senate Staff.

### **ROLL CALL**

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**JIM PREUITT,**  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Preuit, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**FURTHER CONSIDERATION OF HB 551**

The Senate proceeded to further consideration of the Bill, HB 551.

**BUDGET ISOLATION RESOLUTION**

Senator deGraffenried, B.I.R., HB 551, lost, for failure to receive the required three-fifths of those present and voting.

Yeas 20 Nays 13  
Abstaining 1

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Preuit, Smith (B), and Waggoner -20

Nays:

Senators:

Amari, Bailey, Campbell, Corbett, Dixon, Ghee, Hilliard, Langford, Lipscomb, Parsons, Smith (J), Wilson, and Windom -13

Abstaining: Senator Sanders

-1

**RECESS**

At 12:18 A.M., Senator deGraffenried moved that the Senate take a recess until 10:30 A.M., which motion was adopted.

At 10:30 A.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

**FURTHER CONSIDERATION OF HB 551**

The Senate proceeded to further consideration of the Bill, HB 551.

**BUDGET ISOLATION RESOLUTION**

Senator deGraffenried, B.I.R., HB 551, adopted.

Yeas 21 Nays 13

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Preuitt, Smith (B), and Waggoner -21

Nays:

Senators:

Amari, Bailey, Campbell, Corbett, Dixon, Figures, Hilliard, Langford, Lipscomb, Parsons, Smith (J), Wilson, and Windom -13

**BILLS ON THIRD READING**

**THE BILL:**

**H. 551** To amend Section 8-17-87 of the Code of Alabama, 1975, as amended, by increasing the inspection fee for gasoline by \$.075 per gallon and by increasing the inspection fee for diesel fuel, except diesel fuel used for certain special purposes by \$.075 per gallon and to amend Section 8-17-91 of the Code of Alabama, 1975, as amended, by providing that the proceeds from the increase in the gasoline and diesel fuel inspection fee shall be paid into the State Treasury and deposited into the Alabama Economic and Developmental Highway Trust Fund of the State Highway Department.

was taken up.

**STATEMENTS BY THE PRESIDENT AND PRESIDING OFFICER**

The President and Presiding Officer announced that the Standing Committee on Health would meet at 1 o'clock P.M. in the Joint Briefing Room.

The President and Presiding Officer then announced that the Standing Committee on Agriculture, Forestry and Conservation would meet at 1:15 P.M.

The President and Presiding Officer then announced that the Standing Committee on Industrial Development and Expansion would meet immediately.

The President and Presiding Officer then announced that the Standing Committee on Consumer Affairs would meet at 2 o'clock P.M., in Room 604.

### **FURTHER CONSIDERATION OF HB 551**

The Senate proceeded to further consideration of the Bill, HB 551.

Senator Windom offered the following substitute for the Bill, HB 551, to-wit:

### **SUBSTITUTE FOR HB 551**

#### **A B I L L T O B E E N T I T L E D A N A C T**

To amend Section 8-17-87 of the Code of Alabama, 1975, as amended, by decreasing the inspection fee for gasoline by \$.02 per gallon and by decreasing the inspection fee for diesel fuel, except diesel fuel used for certain special purposes by \$.02 per gallon.

### **BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 8-17-87 of the Code of Alabama, 1975, as amended, is hereby amended to read as follows:

#### **"Section 8-17-87**

(a) An inspection fee is hereby imposed and shall be collected in respect of petroleum products sold, offered for sale, stored or used in the state, the said fee to be measured by the number of gallons and to be at the following rates:

(1) Gasoline, \$.00 per gallon.

(2) Diesel fuel other than that referred to in subdivisions (a)(5), (a)(6), (a)(7), (a)(8) and (a)(9) of this section, \$.00 per gallon.

(3) Kerosene other than that referred to in subdivisions (a)(5), (a)(6), (a)(7), and (a)(9) of this section, \$.01 per gallon.

(4) Lubricating oil, \$.15 per gallon.

(5) Kerosene or diesel fuel that is of the types customarily used as,



and that is intended to be used only as, fuel to propel jet aircraft, one fortieth of \$.01 per gallon.

(6) Kerosene or diesel fuel that is used by the ultimate consumer thereof as motor fuel to operate boats, yachts, ships or other maritime vehicles, whether such boats, yachts, ships or other maritime vehicles are used commercially or for pleasure, one fortieth of \$.01 per gallon.

(7) Kerosene or diesel fuel used by the ultimate consumer thereof to propel or operate tractors which are not operated on public highways but which are used exclusively in preparing and cultivating land, harvesting any agricultural commodity or for other agricultural purposes, including pasture and hay production; provided, however, that the term "tractors" as used herein shall not include automobiles, trucks, pickups, trailers, semitrailers, or other such vehicles, one fortieth of \$.01 per gallon.

(8) Diesel fuel that is of the types customarily used as, and that is intended to be used as, only fuel to propel railroad locomotives, one fortieth of \$.01 per gallon. Diesel fuel of the types referred to in this subdivision shall be inspected in a manner determined and prescribed by the commissioner of agriculture and industries.

(9) Kerosene or diesel fuel used by the ultimate consumer thereof as a solvent or other agent in the treatment or preservation of wood products, one fortieth of \$.01 per gallon.

(b) It shall be the duty of the person first selling, storing or using any petroleum product in the state to pay such inspection fee. The inspection fee shall be paid to the commissioner of agriculture and industries on or before the twentieth day of each month in respect of all petroleum products sold, stored or used in the state during the preceding month. Each remittance shall be accompanied by a certificate stating that the amount remitted is correct and that the petroleum products so sold, stored or used are of standard not less than the minimum specified for that petroleum product in the standards prescribed by the board pursuant to section 8-17-81.

(c) If, at the time the inspection fee is due, the person liable therefor is unable to ascertain the correct amount of such inspection fee because the use to be made of any diesel fuel or kerosene with respect to which the inspection fee is then due has not been or cannot be ascertained at such time, then such person shall pay to the commissioner of agriculture and industries as the inspection fee payable with respect to

such diesel fuel and kerosene, ~~\$.02~~ \$.000 for each gallon of such diesel fuel and \$.01 for each gallon of such kerosene.

(d) Upon furnishing proof satisfactory to the commissioner of agriculture and industries that all or any portion of such diesel fuel or kerosene with respect to which an inspection fee at the rate of ~~\$.02~~ \$.000 or \$.01 per gallon respectively has been paid or has been or will be used for a purpose or purposes specified in subdivisions (a)(5), (a)(6), (a)(7), (a)(8) and (a)(9), then such person shall be entitled to a credit against the amount of inspection fee becoming due from such person on the twentieth day of the then next following calendar month, such credit to be in an amount equal to thirty-nine fortieths of \$.01 for each gallon of kerosene or ~~one thirty-nine fortieths~~ for each gallon of diesel fuel proved to have been used or to be used for such specified purpose or purposes; provided, that should the credit to which a person is entitled hereunder exceed the amount of the inspection fee becoming due from such person on the twentieth day of the then next following calendar month, then the excess of the credit over the amount of the inspection fee becoming due shall be refunded to such person or, at such person's election, credited against the amount of any inspection fees subsequently becoming due from such person.

(e) The board of agriculture and industries shall have authority to promulgate rules and regulations with respect to the form and content of the proof of use which must be supplied by a person seeking such a credit or refund and with respect to the procedure to be followed in applying for such a credit or refund.

(f) The inspection fee provided for in this section shall be paid but once with respect to the same product; but in the event any person fails to make payment as herein provided on or before the date such payment is due, the commissioner of agriculture and industries shall add to the inspection fee already due an amount equal to 10 percent thereof as a penalty for the failure of such person to make such report and payment upon the date provided in this section and shall proceed to collect such inspection fee, together with all costs incident to such collection, including the penalty.

(g) The inspection fee and any penalty added thereto shall constitute and operate as a lien at all times until paid upon any petroleum products sold, offered for sale, stored or used in the state by the person liable for the fee, and shall be immediately enforceable by the commissioner of agriculture and industries when due in the same manner as are tax liens upon personal property of a delinquent taxpayer.

(h) The inspection fee provided for in this section is in addition to all other fees and all taxes payable with respect to petroleum products.

(i) Notwithstanding anything to the contrary in this section, no inspection fee or penalty shall be due or payable with respect to petroleum products which are sold, offered for sale, stored or used while they are in interstate or international commerce; but if, after such petroleum products are removed from interstate or international commerce, such petroleum products are sold, offered for sale, stored or used in the state, the fee provided for in this section shall be payable with respect to such petroleum products.

(j) The board of agriculture and industries shall have authority to adopt and promulgate reasonable rules and regulations to effectuate the evident intent and purpose of this section with respect to reporting, collection, remittance and payments of the petroleum products inspection fees imposed under this section which shall not conflict with any of the express provisions and requirements of this section."

Section 2. Section 8-17-91 of the Code of Alabama, 1975, as amended, is hereby amended to read as follows:

"Section 8-17-91

(a) The proceeds from the permit fees, inspection fees and penalties, if any, collected by the commissioner of agriculture and industries pursuant to the provisions of Section 8-17-87 (a)(1) through (9) this division shall be paid into the state treasury and distributed by the state treasurer as follows:

(1) \$175,000.00 of the proceeds received each month shall accrue to the credit of, and be deposited in, the agricultural fund; and

(2) The balance of the proceeds shall be distributed as follows:

a. 13.87 percent of the balance of the proceeds shall be distributed equally among each of the 67 counties of the state monthly. Such funds shall be used by the counties for the following purpose:

When the use is by a county, such use shall be for the construction, including draining, grading, basing, paving, signing and erosion items, of certain high density unpaved roads as herein provided and for the construction or reconstruction of bridges on such high density roads. The use may also be for the reconstruction, resurfacing, restoration and rehabilitation of the paved county roads and bridges or

bridge replacement on the county road system. The use may also be for the construction, including draining, grading, basing and paving of certain unpaved roads, and reconstruction of certain paved roads accessing certain public and private recreational facilities and areas.

There is hereby created a committee to be referred to as the secondary road committee comprised of two county engineers appointed by the state highway director, two county commission members appointed by the governor, and the chief of the bureau of secondary roads. The committee members shall serve at the pleasure of the appointing authority. The committee shall elect one of its members to serve as chairman. A quorum of the committee shall consist of no less than three members. Committee members shall serve without compensation.

The secondary road committee shall develop and publish criteria for the designation of high density roads and bridges and for the designation of eligible recreational access roads. The committee may in its discretion provide different criteria for counties according to population, topography and road mileage. The committee shall also develop and publish minimum design standards, including allowable cost items, for the construction, reconstruction, surfacing, resurfacing, restoration and rehabilitation of such high density roads and bridges and recreational access roads. Criteria and standards developed by the committee shall be published by distributing printed copies thereof to the chairman of each county commission in Alabama no later than 90 days after May 1, 1984. The committee may from time to time amend the criteria and standards developed provided that at least 60 days notice is provided in writing to the chairman of each county commission before the effective date of such amendment. The state highway department shall provide all supplies and clerical help necessary for the committee to execute its responsibilities.

County commissions are hereby required to submit all plans for the use of such proceeds to the highway director or his designee for approval. The highway director or his designee shall review all plans and approve them or disapprove them, based on the criteria and standards developed by the committee.

The funds distributed to the counties under this subsection shall not be commingled with other funds of the county except the counties' portion of the auto license tax distributed under section 40-12-270(a)(1), as amended and shall be kept and disbursed by such county from a special fund only for the purposes hereinabove provided.

The provisions of this section notwithstanding, any county may at any time deposit all or any portion of such proceeds into the county's special RRR fund as provided for in section 40-17-224, and may use the proceeds so deposited for any purpose authorized under said section.

b. \$408,981.00 shall be allocated to the highway department monthly and deposited in the state treasury to the credit of the public road and bridge fund. Such funds are hereby appropriated to the highway department to be used to match federal aid discretionary funds that may from time to time become available to the highway department. In the event that in any fiscal year other highway department funds are insufficient to match the department's regular federal aid apportionment, then at the highway director's recommendation and approval by the governor funds appropriated under this subsection may be used to match said federal aid apportionment.

c. 2.76 percent of the balance of the proceeds shall be allocated among the incorporated municipalities of the state as follows:

1. A portion of the municipalities' share of the balance of the proceeds that is equal to 45.45 percent of the municipalities' share of the balance of the proceeds shall be allocated equally among the 67 counties of the state.

2. The entire residue of the municipalities' share of the balance of the proceeds being an amount equal to 54.55 percent of the municipalities' share of the balance of the proceeds shall be allocated among the 67 counties of the state on the basis of the ratio of the population of each such county to the total population of the state according to the then next preceding federal decennial census, or any special federal census heretofore held in any county subsequent to the effective date of the 1980 federal decennial census.

3. The amount so allocated or apportioned to each county shall be distributed among the municipalities in the county with respect to which the allocation or apportionment is made, each such distribution among the said municipalities to be on the basis of the ratio of the population of each such municipalities to the total population of all municipalities in the applicable county according to the then next preceding federal decennial census.

4. The population of any municipality incorporated subsequent to the taking of the then next preceding federal decennial census shall be deemed to be the population shown by the census for that municipality taken pursuant to the requirements of section 11-41-4. Any municipality

incorporated after September, 1983, shall not participate in the distribution provided for in this section until the fiscal year next succeeding the fiscal year during which it is incorporated, the first distribution to such municipality to be made in respect of receipts of the inspection fee by the state during October of the fiscal year next succeeding the said incorporation.

5. Use of the inspection fee by a municipality shall be for transportation planning, the construction, reconstruction, maintenance, widening, alteration and improvement of public roads, bridges, streets and other public ways, including payment of the principal of and interest on any securities at any time issued by the municipality pursuant to law for the payment of which any part of the net tax proceeds were or may be lawfully pledged; provided, that no part of the balance of the proceeds referred to in this section shall be expended contrary to the provisions of the Constitution; and provided further, that funds distributed to municipalities under the provisions of this division shall not be commingled with other funds of the municipality, except the municipalities' portion of the highway gasoline tax, and shall be kept and disbursed by such municipality from a special fund only for the purposes hereinabove provided.

d. The balance of the proceeds after a, b and c above have been distributed monthly shall accrue to the credit of and be deposited in the public road and bridge fund.

~~(b)~~ (b) In the event of the collection hereunder from any person of an amount in excess of the amount of all permit fees, inspection fees or penalties properly and lawfully required to be paid by such person, such person may apply to the commissioner of agriculture and industries for a refund of the amount of such overpayment. If such application for refund is approved in whole or in part by the commissioner, the commissioner shall submit to the state comptroller a statement, approved by the state attorney general, setting forth the amount determined to have been overpaid and the date of the overpayment. The state comptroller shall then draw his warrant in favor of the person making such overpayment upon the state treasurer for the amount specified in the said statement, and such amount shall be paid out of current months collections before any distribution is made under subsection (a) of this section.

~~(c)~~ (c) The application for refund provided for in this section must be filed with the commissioner of agriculture and industries within 12 calendar months from the date upon which the overpayment was

made, and no amount shall be refunded unless the application therefor is filed within the time prescribed herein.

~~(d)~~ (d) The department of agriculture and industries shall have authority to make and issue rules and regulations relating to the procedure to be followed in filing an application for a refund and for payment of any refund made under this section."

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Senator Campbell offered the following amendment to the substitute for the Bill, HB 551, to-wit:

#### **AMENDMENT TO SUBSTITUTE FOR HB 551**

Amend House Bill 551 Section 5, Page 11, Line 14, after the word "effective" by striking the following:

"immediately upon its passage and approval by the Governor or upon its otherwise becoming a law"  
and substituting in lieu thereof the following:

"on the first day of the second month following its becoming a law."

#### **QUORUM CALL REQUESTED**

At 6:32 P.M., Senator Foshee requested that the President and Presiding Officer of the Senate ascertain the presence of a quorum.

Whereupon, the roll was called and the following Senators responded to their names:

Present:

Senators:

Amari, Bailey, Barron, Corbett, Dixon, Floyd, Little, Parsons, and Windom

**ADJOURNMENT**

At 6:35 P.M., in the absence of a quorum, the President and Presiding Officer of the Senate declared the Senate adjourned, in accordance with Senate Resolution heretofore adopted, and pending further consideration of the Bill, HB 551, the Senate adjourned until Thursday, June 27, 1991, at 12:01 A.M.



## **TWENTY-FOURTH LEGISLATIVE DAY**

**THURSDAY, JUNE 27, 1991**

The Senate met pursuant to adjournment, Senator Steve Windom, Chairperson of the Standing Committee on Banking and Insurance presiding, pursuant to Senate Rules 1(c) and 49(2).

### **PRAYER**

The Session was opened with prayer by Senator George Bolling, 6th Senatorial District.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Lisa Helms, Senate Staff.

### **ROLL CALL**

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**JIM PREUITT,**  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Preuitt, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator Figures, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**RECESSES**

At 1:25 A.M., Senator Figures moved that the Senate take a recess until 10:30 A.M.

Senator Preuitt offered a substitute motion that the Senate take a recess until 9:30 A.M., which motion was adopted.

At 9:30 A.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

At 9:35 A.M., Senator deGraffenried moved that the Senate take a recess until 11:10 A.M., which motion was adopted.

At 11:10 A.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

**STATEMENT BY THE PRESIDENT AND PRESIDING OFFICER**

The President and Presiding Officer of the Senate stated that the Standing Committee on State Development and Tourism would meet in the Rules Committee Room at 12:30 P.M.

**MOTION TO ADJOURN**

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, July 9, 1991, at 11 o'clock A.M., which motion was adopted.

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**SR 115. CEASE DEBATE ON HB 551.**

**BE IT RESOLVED BY THE SENATE** That debate on HB 551 shall cease at 3 o'clock P.M. on July 9, 1991 and that a vote be taken at

that time on HB 551 and pending amendments.

On motion of Senator deGraffenried, the Resolution, SR 115, was adopted by the Senate.

Yeas 22 Nays 11

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Lipscomb, Mitchell, Mitchem, Owens, Preuitt, Smith (B), and Waggoner -22

Nays:

Senators:

Campbell, Corbett, Dixon, Figures, Hilliard, Langford, Little, Parsons, Smith (J), Wilson, and Windom -11

### FURTHER CONSIDERATION OF HB 551

The Senate proceeded to further consideration of the Bill:

**H. 551.** To amend Section 8-17-87 of the Code of Alabama, 1975, as amended, by increasing the inspection fee for gasoline by \$.075 per gallon and by increasing the inspection fee for diesel fuel, except diesel fuel used for certain special purposes by \$.075 per gallon and to amend Section 8-17-91 of the Code of Alabama, 1975, as amended, by providing that the proceeds from the increase in the gasoline and diesel fuel inspection fee shall be paid into the State Treasury and deposited into the Alabama Economic and Developmental Highway Trust Fund of the State Highway Department.

and pending Campbell amendment to the Windom substitute, which said amendment and substitute are set out in the Journal of the Senate for the Twenty-Third Legislative Day.

On motion of Senator deGraffenried, the Rules were suspended and further consideration of the Bill, HB 551, and pending substitute and amendment, was postponed until Tuesday, July 9, 1991, at 11 o'clock A.M.

### BILLS ON THIRD READING

THE BILL:

**H. 550.** Relating to Alabama Economic and Developmental Highways and the financing of an Alabama Economic and Developmental

Highway System; to name this Act; to provide definition of certain words and terms contained in this bill; to create a fund in the State Treasury which shall be called the Alabama Economic and Developmental Highway Trust Fund; to describe the Alabama Economic and Developmental Highway System and its purpose; to describe the sources of revenue for this fund; to provide the distribution and appropriation of revenues for the Alabama Economic and Developmental Highway System, County Roads, Urban Projects, and to pay Debt Service on outstanding Industrial Access Road and Bridge Corporation Bonds; to provide that if Alabama Economic and Developmental Highway System projects are constructed with Federal and/or Public Road and Bridge Funds, projects not on the Alabama Economic and Developmental Highway System may be constructed using Alabama Economic and Developmental Highway System Funds; to provide that Alabama Economic and Developmental Highway System funds may be used to supplement toll projects; to provide that Alabama Economic and Developmental Highway System Funds may be used to anticipate Federal Funds on Advance Construction Projects; to provide that appropriations for the Alabama Economic and Developmental Highway System Projects, County Roads, and Urban Projects are Capital Outlay appropriations; to provide a deficit elimination procedure; to describe the purpose for which the funds can be used; to give county commissions in the state authority to pass resolutions to levy a gasoline tax with a three year authorization limit; to describe fund reversion procedures; to give the Highway Department authority to administer this fund; to give the Highway Director authority to promulgate rules and regulations concerning the operation of this fund; to provide for a quarterly report to the Joint Highway Committee; to give the Highway Department responsibility for developing schedules of improvements to be funded; to provide for allocation and appropriation of funds allocated for the Alabama Economic and Developmental Highway System when all Alabama Economic and Developmental Highway System Projects are 100% funded; to provide for fund matching requirements for county and urban projects; to provide for fund obligation limitations; to provide for review and approval procedures by the Highway Director for county and urban projects; to provide that MPO's will have authority to administer cities Transportation Improvement Plan to be approved by the Highway Director; to provide that the Highway Director will prescribe project design criteria for county and urban projects; to provide for contracting procedures; to provide for the effective date of this Act.

was taken up.

Senator deGraffenried moved that the Rules be suspended and further consideration of the Bill, HB 550, and the B.I.R., be postponed.

**RECESS**

At 1:02 P.M., Senator deGraffenried moved that the Senate take a recess until 2:30 P.M., which motion was adopted.

At 2:30 P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

**FURTHER CONSIDERATION OF HB 550**

The Senate proceeded to further consideration of the Bill, HB 550. The question was on the motion of Senator deGraffenried to postpone, which motion was adopted, and the Rules were suspended and further consideration of the Bill, HB 550, and the B.I.R., was postponed.

**RESOLUTIONS**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**SR 116. REPORT OF COMMITTEE ON RULES.**

BE IT RESOLVED by the Senate that the remainder of Senate Resolution 114 be carried over until Tuesday, July 9 at which time it will be the paramount and continuing order of business as the first order of business.

On motion of Senator Hilliard, the Resolution, SR 116, was adopted by unanimous consent.

Senators Dial, Windom, Smith (B), Foshee, Horn, Amari, deGraffenried, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (J), Waggoner, and Wilson requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 117. DESIGNATING "INDEPENDENT COMMUNITY BANKING WEEK" IN ALABAMA, THE WEEK OF SEPTEMBER 15-21, 1991.**

WHEREAS, the Independent Community Bankers Association of Alabama was formed in 1986 by independent community bankers

dedicated to quality personal service for their customers and their communities; and

WHEREAS, the independent community banks of Alabama have made many significant contributions to the economic well-being of this state for the past 100 years by providing vital support to enhance the growth and prosperity of the communities they serve; and

WHEREAS, there are more than 170 locally owned and operated independent banks in Alabama, with more than 450 banking offices located in small towns, rural areas, suburbs, and cities throughout the state; collectively, these banks represent more than \$9 billion in assets; and

WHEREAS, as active participants in their communities, these banks contribute to local economies as the employers of 13,500 Alabamians statewide; they also serve as economic focal points for their communities, reinvesting between 85 and 100 percent of their loan portfolios in local projects and businesses; and

WHEREAS, independent community banks have currently invested more than \$5 billion in residential, commercial, and agricultural loans to benefit Alabama citizens; through their ongoing support of local economies, independent community banks have greatly enhanced the quality of life for countless citizens of our state, and they are indeed deserving of special praise and recognition for their contributions in this regard; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate September 15-21, 1991, as "Independent Community Banking Week" in Alabama in recognition of the important contributions made by the independent community banks of this state.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**SR 118. SPECIAL ORDER CALENDAR.**

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters for the twenty-fourth legislative

day of the 1991 Regular Session only:

Inst Id	Page
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<b>H. 789</b>	172
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Pardons and Paroles Bd. - Supp. Approp.

1. House Messages
2. Committee Reports
3. Resolutions
4. Uncontested Local Bills
5. Introduction of Bills

Inst Id	Page
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<b>H. 135</b>	99
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Legal holidays, observance of provided further, personal leave days auth. in lieu of cert. holidays, Sec. 1-3-8 am'd.

<b>S. 459</b>	110
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Education Reform Act of 1991, comprehensive educational reform bill

<b>S. 411</b>	153
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Agriculture and Industries Dept., markets and facilities, personnel who operate not req. to be in classified service, Sec. 2-3-22 am'd.

On motion of Senator Preuitt, the Resolution was adopted by the Senate.

### **SPECIAL ORDER**

### **BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill, HB 789.

### **BUDGET ISOLATION RESOLUTION**

Senator Parsons, B.I.R., HB 789, adopted.

Yeas 27 Nays 0  
Abstaining 2

Yeas:

Senators:

Amari, Bedsole, Bennett, Campbell, deGraffenried, Denton, Dial,

Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Preuitt, Sanders, Smith (B), and Waggoner -27

Nays: - 0

Abstaining:

Senators:

Wilson and Windom - 2

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**H. 789.** To appropriate the sum of \$311,500 from the State General Fund to the Board of Pardons and Paroles for the fiscal year ending September 30, 1991.

was read a third time at length and passed.

Yeas 29 Nays 0

Abstaining 1

Yeas:

Senators:

Amari, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Preuitt, Sanders, Smith (B), Waggoner, and Wilson -29

Nays: - 0

Abstaining: Senator Windom - 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 93.** COMMENDING DELTA SIGMA THETA SORORITY, INC., SOUTHERN REGIONAL CONFERENCE, ON THE SPONSORSHIP OF "DELTA YOUTH DAYS," JUNE 25-27, 1991.

Also:

**SJR 94.** COMMENDING THE JACKSONVILLE STATE



UNIVERSITY BASEBALL TEAM AS NCAA DIVISION II  
NATIONAL BASEBALL CHAMPIONS FOR 1990 AND 1991.

Also:

**SJR 96.** DESIGNATING THAT PORTION OF U. S. HIGHWAY 431 AND ALABAMA HIGHWAY 1, FROM THE CITY LIMITS OF PHENIX CITY SOUTH ALONG SAID HIGHWAY TO STATE MILE MARKER 112 IN RUSSELL COUNTY, ALABAMA, AS "MARTIN LUTHER KING PARKWAY."

Also:

**SJR 98.** REQUESTING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO DIRECT CERTAIN PERSONS EXCAVATING SANDY SEDIMENT TO USE SUCH SEDIMENT FOR CERTAIN BEACH RESTORATION AND EROSION CONTROL.

Also:

**SJR 99.** COMMENDING JANICE MUNDLE OF MOBILE AS ALABAMA'S 1991 NURSE OF THE YEAR.

Also:

**SJR 100.** COMMENDING REYNOLDS METALS COMPANY ON THE OCCASION OF ITS 50TH ANNIVERSARY OF OPERATION.

Also:

**SJR 103.** COMMENDING WILLIAM HAROLD ALBRITTON, III, OF ANDALUSIA, ALABAMA, UPON HIS APPOINTMENT TO THE FEDERAL JUDICIARY.

Also:

**SJR 104.** COMMENDING WILLIAM D. LAZENBY OF OPELIKA AS PRESIDENT OF THE MEDICAL ASSOCIATION OF THE STATE OF ALABAMA.

Also:

**SJR 108.** RECOGNIZING WITH COMMENDATION AND WELCOMING THE SOUTHERN REGIONAL CONFERENCE OF DELTA SIGMA THETA SORORITY, INCORPORATED, TO MONTGOMERY, JUNE 26-30, 1991.

Also:

**SJR 109. MOURNING THE DEATH OF BARRY M. CLARK  
OF MOBILE, ALABAMA.**

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 14.** To propose a constitutional amendment relating to Geneva County, providing that the legislature may by local law: 1) require or authorize the county governing body to levy, administer, collect and enforce additional county license taxes and registration fees on motor vehicles; 2) provide for the distribution of the proceeds of said taxes and fees; and 3) provide for certain exemptions.

GREG PAPPAS,  
Clerk.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 687.** To propose an amendment to the Constitution of 1901, to authorize certain investments of the assets of Class 2 municipality police and fire fighter pension plans.

GREG PAPPAS,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

**H. 12.** Relating to Geneva County, to require the county governing body to levy an annual license tax and registration fee on certain motor vehicles; to provide for the collection, administration and enforcement of said tax and fees and the distribution of the proceeds of said tax and fees; to provide for certain exemptions; and to condition the operation of said act upon the adoption of a local constitutional amendment and approval of this act by the voters at a referendum provided for herein.

Also:

**H. 13.** Relating to Geneva County; providing for the mode of establishing the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Geneva County; providing for an advisory referendum called for such purpose; and providing for an effective date.

Also:

**H. 407.** Relating to Jefferson County; amending Act No. 970, S. 378, 1961 Regular Session, as amended, which provides for the issuance of motor vehicle license plates by mail, so as to increase the fee for such issuance in counties having a population of 600,000 or more according to the last or any subsequent federal census.

Also:

**H. 483.** Relating to the City of Birmingham in Jefferson County; to amend sections 3 and 7 of Act No. 105, H. 24, Third Special Session 1971, (Acts 1971, p. 4325), so as to provide further for the process of weed removal from private property by amending the notice requirements and making optional the collection of the special assessment by the county tax collector.

Also:

**H. 526.** Relating to Jefferson County; to provide that the Jefferson County commission shall have authority to remove or demolish buildings and structures, or parts thereof, when the same are found by the county commission to be unsafe to the extent of being a public nuisance; to provide for a hearing by the county commission if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment to constitute a lien on said property; to provide methods of collecting such assessments; and to authorize the tax collector to collect such assessments.

Also:

**H. 589.** Relating to Clarke County; providing further for an expense allowance for members of the county commission.

Also:

**H. 578.** Providing further for the compensation and expense allowances or other benefits of the superintendent of education of Morgan County upon the expiration of the current term of office; repealing conflicting laws or parts of laws; and specifically repealing Act. No. 87-257, H. 183, 1987 Regular Session (Acts 1987, p. 360).

GREG PAPPAS,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 285. COMMENDING JAN WATTS OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING LEADERSHIP AND DEDICATED SERVICE TO THE BIRMINGHAM ASSOCIATION OF REALTORS.**

GREG PAPPAS,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 259. DESIGNATING "INDEPENDENT COMMUNITY BANKING WEEK" IN ALABAMA, THE WEEK OF SEPTEMBER 15-21, 1991.**

GREG PAPPAS,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

**H. 140.** Relating to the City of Scottsboro in Jackson County, granting certain authority to the electric power board.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

**H. 165.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the hearing aid dealers licensing board with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-14-1 to provide further definitions regarding apprentice permits and hearing aid fitters and dispensers; 34-14-2 to require retail sellers of hearing aids to have a licensed dispenser on their staff; 34-14-3 and 34-14-4 to provide further for licensing requirements of dispensers and fitters; 34-14-6 to provide further for the license renewal fees for fitters and dispensers; 34-14-7 to provide for the requirements and issuance of an apprentice permit; 34-14-8 to allow notices of the state board to be mailed to licensees; 34-14-9 to provide for complaints and disciplinary actions against apprentices; 34-14-10 to require certain information on the receipt of sale of hearing aids; 34-14-11 and 34-14-30 to provide further for the membership and powers of the state board.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

**H. 164.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of funeral service with certain modifications; to amend sections 34-13-70 and 34-13-90 of the Code of Alabama 1975, to authorize the board to establish a reasonable examination fee for preparing and administering examinations of the board's applicants.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

**H. 166.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the state board of registration for professional engineers and land surveyors, with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-11-8 to increase individual license fees to require a continuing education program for individual licensees of the board and to prescribe a late renewal penalty for corporate licensees; 34-11-9 to require corporate licensees to obtain approval of their corporate charter prior to obtaining a corporate certificate of license and 34-11-36 to provide for the position of assistant executive director.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

**H. 161.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the state licensing board for general contractors with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: section 34-8-2 to provide further for license and renewal fees and a late renewal penalty; section 34-8-4 to authorize administrative fines by the board for

violations of chapter 8, Title 34 and for violations of the board's rules and regulations; and Section 34-8-25 to authorize the secretary-treasurer to certify vouchers of the board without the Governor's approval.

GREG PAPPAS,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**S. 81.** To amend Sections 28-3-1 and 28-3-187.1, Code of Alabama 1975, relating to alcoholic beverages, so as to define the term "brandy" and to exempt brandy from certain labeling requirements.

GREG PAPPAS,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Bryant (With Notice and Proof):

**H. 893.** Relating to Hale County; authorizing the county commission to levy a severance tax on those persons, firms and corporations severing pit run sand, clay, sand-gravel, clay-gravel, sand-clay and gravel in the county; providing for the collection of the tax by the department of revenue; and providing for enforcement and distribution of the proceeds of the tax.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 893, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*



**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

**HB 893 - to the Committee on Local Legislation No. 1**

**MESSAGE FROM THE HOUSE**

**Mr. President:**

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

**By Rep. Anderson (With Notice and Proof):**

**H. 955.** Providing for a board of education for the City of Decatur, Morgan County, Alabama to be elected by the qualified electors of said city; providing that the members of such board shall be elected from defined school districts; providing for the terms of office, qualifications and compensation of such members; prescribing procedures for electing such members and for filling vacancies on such board; providing for board representation for persons not residing within a specific school district; providing certain immunity for such board members; providing for financial audits of the records of such board and providing that this act shall become effective upon the ratification of an amendment to the Constitution of Alabama 1901, authorizing an elected school board for the City of Decatur.

**I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 955, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.**

**GREG PAPPAS,**  
Clerk.

**Also:**

**By Rep. Hammett (With Notice and Proof):**

**H. 957.** Relating to the City of Andalusia in Covington County; authorizing the governing body to levy additional ad valorem taxes for the school system and for city operations and capital expenditures, either or both; and providing for a referendum to determine which, if either, tax shall be levied.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 957, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Drake (With Notice and Proof):

**H. 958.** Relating to Cullman County; abolishing the office of constable and providing an effective date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 958, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 955, 957, and 958 - to the Committee on Local Legislation  
No. 1

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Anderson:

**H. 956.** Proposing an amendment to the Constitution of Alabama of 1901, providing for the election of the members of the board of education in the City of Decatur, Morgan County, Alabama.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

**HB 956 - to the Committee on Local Legislation No. 1**

(The above Bill was read a first time at length as required by the Constitution.)

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Willis (With Notice and Proof):

**H. 950.** Relating to Calhoun County; to amend Act No. 87-426, H. 775, 1987 Regular Session (Acts of Alabama, 1987, p. 636), which authorizes Calhoun County, to levy an annual license or privilege fee upon any business except for practicing the religious tenants of any church, so as to provide that if a business is conducted as certain entities in which more than one natural person is engaged as a lawyer, actuary, accountant, architect, doctor, dentist, osteopath, chiropractor, optometrist, oculist, or optician, then each natural person so engaged shall be treated as if such natural person were conducting a separate business and each such natural person shall pay a license or privilege fee, and so as to provide that one of the purposes of said act is to provide for local needs in Calhoun County, Alabama, not provided for by a general law.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 950, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Cullins (With Notice and Proof):

**H. 951.** Relating to Tallapoosa County; amending Act No.

81-419, H. 906, 1981 Regular Session, which relates to the compensation of election officials, so as to increase said compensation.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 951, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Cullins (With Notice and Proof):

**H. 952.** Relating to Tallapoosa County; providing for the mode of establishing the construction, maintenance and repair of public roads, highways, bridges and ferries under a modified county unit system; authorizing and requiring the county commission to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county commission in relation to the roads, bridges and ferries of Tallapoosa County; and specifically repealing Act No. 88-121, H. 437, 1988 Regular Session.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 952, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 950, 951, and 952 - to the Committee on Local Legislation  
No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and

ordered same sent forthwith to the Senate without engrossment:

By Rep. Mathis:

**H. 348.** Proposing an amendment to the Constitution of Alabama of 1901, authorizing the tax assessors, tax collectors, revenue commissioners, license commissioners and other ad valorem tax officials in the various counties of this state to elect to participate in the state employees' retirement system or the county retirement system, if available; providing for an election between the state employees' retirement system and a county retirement system; prohibiting future officials taking office for the first time after the effective date of this amendment from participating in the supernumerary program provided by Title 40, Chapter 6, Code of Alabama 1975; and providing that such such officials presently participating in the supernumerary program may continue therein.

GREG PAPPAS,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 348 - to the Committee on Governmental Affairs/Local Government

(The above Bill was read a first time at length as required by the Constitution.)

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Hammett:

**H. 488.** To amend Sections 36-21-60, 36-21-61 and 36-21-63, Code of Alabama 1975, as amended, relating to the Peace Officers' Annuity and Benefit Fund, so as to provide for additional members to the board and to further provide for a quorum.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 488 - to the Committee on Economic Affairs

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Box:

**H. 319.** Provides for the appointment of a private non-profit corporation by the courts to serve as guardian or conservator or both for persons who are developmentally disabled. Establishes further qualifications for such organizations to be appointed and designates the Alabama Department of Mental Health/Mental Retardation to develop guidelines for the activities of those corporations appointed as Guardian for a person with developmental disabilities.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 319 - to the Committee on Public Welfare

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McDowell, Rogers (J), McClain, and Barnes:

**H. 601.** To provide for the licensing and issuing of county permits for every fortune-teller, clairvoyant, palmist, astrologer, phrenologist, character reader, spirit medium, absent treatment healer or mental healer and every person engaged in any occupation of a similar nature.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 601 - to the Committee on Governmental Affairs/State Administration

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Haynes, Johnson, Mathis, Carothers, Beasley, Thomas, Turner, Poole, Harper, Kennedy, Warren, Starkey, Higginbotham, Rogers (J), and Newman:

**H. 324.** To amend Section 36-26-36.1 of the Code of Alabama 1975, relating to sick leave for state employees and teachers so as to provide further for the accumulation and use of such sick leave in determining years of creditable service in the employees' or teachers' retirement system of Alabama.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 324 - to the Committee on Economic Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Warren:

**H. 117.** To amend Sections 9-13-196 and 9-13-197, Code of Alabama 1975, relating to failure to pay certain assessments on forest lands, so as to provide further for the sale and redemption of said land and provide further for the retroactive repeal of local laws levying an acreage assessment.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

**HB 117 - to the Committee on Finance and Taxation**

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Freeman:

**H. 830.** Relating to Class 4, 5, 6, 7 and 8 municipalities (as such classes are defined in Act No. 79-263 of the Legislature of Alabama or any successor provision of law); to provide that any kidney disease treatment center that is located in any such municipality and that contains no more than ten hemodialysis units shall not be subject to or governed by the provisions of Article 9 of Chapter 21 of Title 22 of the Code of Alabama 1975; and to provide that the aforesaid exemption shall not apply to any such treatment center located in a Class 4, 5, 6, 7 or 8 municipality if such municipality is located in a county in which a Class 1, 2 or 3 municipality (as such classes are defined in the aforesaid Act



or any successor provision of law) is located.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

**HB 830 - to the Committee on Health**

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Ford:

**H. 787.** To amend Section 7-9-403, Code of Alabama 1975, which relates to the filing of financing statements, so as to provide further for such filing.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

**HB 787 - to the Committee on Economic Affairs**

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. White:

**H. 64.** To amend Section 9-17-33 of the Code of Alabama

1975, as amended, relating to the disposition of proceeds or royalties from the sale of oil or gas production, penalties for violations and judicial jurisdiction, so as to further provide therefor and for payment information requirements to interest owners; to provide for definitions for the section and exceptions; and to provide an effective date.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 64 - to the Committee on Energy and Natural Resources

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**S. 82.** To amend Sections 8-20-4, 8-20-5, 8-20-7 and 8-20-9, Code of Alabama 1975, which relate to the Motor Vehicle Franchise Act, so as to provide further for unfair and deceptive trade practices, terminations and nonrenewals of franchise relationships, and the warranty obligations to dealers.

GREG PAPPAS,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McMillan, Kvalheim, and Gaston:

**H. 710.** To amend Sections 34-27-8, 34-27-32, 34-27-33, 34-27-34, 34-27-35 and 34-27-36 of the Code of Alabama 1975, relating to real estate brokers so as to provide further that a quorum consisting of a majority of the commission members may act and to require agency disclosure in each offer to purchase; to amend licensing requirements to

add 15 hours to the prelicense course and to comply with federal court order; to provide for forfeiture of entire exam fee on failure to appear; to expand further the time allowed an applicant after passing the exam to have his license issued; to delete license transfers during September of the final year of a license period; to provide further that real estate licenses reflect license registration requirements and to clarify further renewal and issuance of inactive licenses; to remove continuing education exemption for those over 65; to remove requirement of refresher course; and to provide further for disciplinary action.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 710 - to the Committee on Governmental Affairs/State Administration

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Fuller:

**H. 27.** To amend Sections 12-19-171, 12-19-172, 12-19-175, 12-19-178 and 12-19-179, Code of Alabama 1975, so as to increase certain fees in traffic infraction and misdemeanor cases in district and circuit court and to provide for the distribution of the fee increase.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 27 - to the Committee on Judiciary/Criminal Justice and Public Safety

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Freeman and Butler:

**H. 658.** To authorize certain employers to purchase workers' compensation insurance with a deductible provision.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

**HB 658 -** to the Committee on Business and Labor Relations

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**S. 44.** To provide for the hunting of game and unprotected wildlife with a cross bow upon certification by a physician that a person is handicapped.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Campbell:

**H. 301.** To propose a self-executing amendment to the Constitu-

tion of Alabama of 1901, as amended, to provide for the acquisition, maintenance and protection of lands and water areas in this state having unique ecological systems, plant and animal life, geological formations, wildlife habitats, recreational value and scenic beauty; to make certain declarations of purposes and state policies regarding the protection of such lands and waters; to provide definitions of terms; to provide for management of such program and to designate categories of lands and waters to be acquired; to establish the Alabama Forever Wild Land Trust for such purposes; to provide for the establishment of a board of trustees to govern said trust, its membership, selection process, terms of office and vacancy appointments; to provide for the rights, powers, duties and responsibilities of said board; to provide for a final approval committee and its responsibilities; to provide tax deductions for property donated to the Forever Wild Land Trust; to prohibit condemnation of properties for said trust; to guarantee that the acquisition and conservation of such lands and waters will not impair existing property rights or interfere with the legitimate needs of utilities and other business organizations having the power to condemn property for public use and necessity; to provide for funding of said trust from percentages of trust income earned from investment of funds in the Alabama Trust Fund; to provide for title to acquired property to be held by the Alabama Trust Fund Board; to provide for a stewardship account for the maintenance of properties acquired by the Forever Wild Land Trust; to provide for conservation restrictions and easements to further the program established by this Amendment; to provide for an Alabama Natural Heritage Program; to provide for the dedication of natural area preserves; to provide that after the state's 2011-2012 fiscal year, revenues directed to said Forever Wild Land Trust shall be paid to the general fund of the State of Alabama, with the exception of 2.5% of such revenues needed to continue funding of the stewardship account or as provided by the Legislature; and to provide that income generated from acquired property shall accrue to the general fund of the State of Alabama.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 301 - to the Committee on Constitution and Elections

(The above Bill was read a first time at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Box, Fuller, Campbell, and Buskey (JE):

**H. 391.** To provide for the creation of a comprehensive statutory formulation of personal property leasing laws including the formation and construction, effect and performance of a lease contract; default by the lessor and lessee and general provisions. To amend Sections 7-1-105 of the Code of Alabama 1975, so as to include this act; to amend Section 7-1-201 of the Code of Alabama 1975, so as to revise the definition of "security interest"; to amend Section 7-9-113 of the Code of Alabama 1975, so as to include security interest arising under this act; to amend Sections 35-4-54 and 35-4-94 of the Code of Alabama 1975 so as to exclude leases; and to provide that this act will become effective January 1, 1992.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 391 - to the Committee on Public Welfare

### STATEMENT BY THE PRESIDENT AND PRESIDING OFFICER

At 3:30 P.M., the President and Presiding Officer stated that the Standing Committee on Constitution and Elections would meet immediately outside the Senate Chamber.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Haynes:

**H. 506.** To authorize municipalities or counties to acquire sites, purchase and construct homeless shelters, halfway houses and emergency housing, and affordable single and multi-family dwellings; to receive funds for said use; to sell and issue bonds; to execute mortgages and deeds; to appropriate or lend funds to any public or private not-for-profit corporation created to fund such housing and dwellings; to join other municipalities or counties in the exercise of such powers; to require that certain construction authorized pursuant to this act shall be performed by a licensed contractor; and to require certain construction shall be subject to the state competitive bid laws.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 506 - to the Committee on State Development and Tourism

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Powell, Smith (C), Lindsey, Letson, Mikell, and Harvey:

**H. 582.** Relating to the licensing and bonding of dealers in agricultural products; to define dealers, products, commissioner, producers, and persons; to exempt certain persons from the provisions of this bill; to require that a dealer in agricultural products be licensed and said license shall cost from \$50 to \$200; to require that dealers be bonded or have a bond equivalent in amounts of not less than \$1,000 to \$50,000; to provide for denying, suspending or revoking a dealer license; to provide for hearing after there has been a denial, suspension or revocation of a license and to also provide for appealing orders

rendered pursuant to a hearing; to provide for payment of agricultural products purchased within five days after an accounting or a receipt has been issued; to provide for the keeping of records and for inspection of sale and the inspection of produce purchased; to make the violation of this bill a class "C" misdemeanor and granting the Commissioner the powers of a peace officer in the enforcement of said bill; to provide for injunctive relief; to expressly repeal Chapter 29 of Title 2 providing for the permitting and bonding of farm product commission merchants.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 582 - to the Committee on Agriculture, Conservation, and Forestry

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Dolbare, Fuller, Turner, and Laird:

**H. 392.** To permit a domestic limited partnership to merge with one or more domestic limited partnerships, corporations or certain other business entities; to provide for the requirements, effects and procedures of merging said entities; to provide for certain filings and reports and the contents and effect of said filings and reports; to provide for service of process; and to provide for the vesting of certain rights, privileges, powers, property, liabilities and duties.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:



HB 392 - to the Committee on Energy and Natural Resources

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. McDowell:

**H. 825.** To amend Section 21-4-22, Code of Alabama 1975, relating to guidelines required to make registration and polling places more accessible for handicapped and elderly individuals, so as to require that certain guidelines apply at registration and polling places at all elections.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 825 - to the Committee on Constitution and Elections

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Penry, Harper, McMillan, Carter, and Rockhold:

**H. 596.** To further provide for the tax exemptions on certain ships and vessels and commercial fishing vessels of over five (5) tons load displacement as registered with the U. S. Coast Guard licensed by the State of Alabama Department of Conservation and Natural Resources; to amend sections 40-23-2, 40-23-4, 40-23-61 and 40-23-62 of the Code of Alabama 1975, as amended, relating to exemptions from sales and use taxation, generally; excise tax on the storage, use or other consumption of certain tangible personal property and exemptions therefrom; to repeal any conflicting laws, rules or regulations; and to make the provisions retroactively effective.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 596 - to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Haynes, Carothers, and Johnson:

**H. 408.** To amend Section 27-30-34 of the Code of Alabama 1975, relating to provision of domestic life and disability insurance pursuant to chapter 3 so as to authorize the calculation of reserve liabilities for all policies issued by mutual aid associations, to provide for the methodology used to calculate the reserve liabilities provided for in Section 27-36-7 of the Code of Alabama 1975, and to provide for limitations.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 408 - to the Committee on Banking and Insurance

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McMillan, Kvalheim, and Hooper:

**H. 482.** To provide for mandatory errors and omissions insurance coverage for all active real estate licensees; to authorize the real estate commission to contract for such coverage in compliance with state competitive bid laws; to allow optional coverage by any insurance carrier which meets minimum standards; to provide that no such coverage shall be required when it is not available at a reasonable premium and to authorize such commission to promulgate and implement administrative rules and procedures to carry out the provisions of this act.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 482 - to the Committee on Banking and Insurance

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**S. 40.** To authorize municipalities and counties to provide assistance to the governing body of any other municipality or county when such municipality or county has been declared a disaster area by the Governor of the State of Alabama or by the President of the United States, and provides a procedure by which such assistance may be implemented.

GREG PAPPAS,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Bryant, Richardson, Clark (J), Layson, Cosby, Smith (C), Blakeney, and Black (L):

**H. 730.** To amend Section 9-11-84, Code of Alabama 1975, as last amended, relating to the sale or transportation of certain game fish, so as to provide for the applicability of the provisions thereof to certain hybrids of certain species, to further provide for certain exceptions and to provide for the promulgation of rules and regulations allowing the certain sale of certain game fish raised or cultured in private waters.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 730 - to the Committee on Agriculture, Conservation, and Forestry

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holley:

**H. 55.** To exempt certain rescue service organizations operating within the State of Alabama from all state, county and municipal sales and use taxes.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 55 - to the Committee on Rules

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Letson (With Notice and Proof):

**H. 676.** Relating to Lawrence County, repealing Act No. 86-380, H. 725, 1986 Regular Session, which provides for the equalization of salaries of certain clerks employed in the offices of certain elected county officials.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 676, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Cullins (With Notice and Proof):

**H. 693.** Relating to Tallapoosa County; providing for the county commission to reimburse the office of probate judge for certain monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that the probate judge may charge a fee for invalid checks.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 693, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Newman (With Notice and Proof):

**H. 886.** Relating to Lamar County, providing further for the distribution of certain funds to the Lamar County Water Authority and to rescue squads and certified fire departments.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 886, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Venable (With Notice and Proof):

**H. 908.** Providing for a board of education for the city of Tallassee, Alabama, to be elected by the qualified electors of said city; providing that the members of such board shall be elected from defined school districts; providing for the terms of office, qualifications and compensation of such members; prescribing procedures for electing such members and for filling vacancies on such board; providing for board representation for persons not residing within a specific school district; providing certain immunity for such board members; providing for financial audits of the records of such board; specifically repealing Act No. 90-619 of the 1990 Regular Session of the Legislature and all other laws or parts of laws in conflict herewith and providing that this act shall become effective only upon the ratification of an amendment to the Constitution of Alabama 1901, authorizing an elected school board for the city of Tallassee and if such amendment is approved by a majority of the qualified electors of Elmore and Tallapoosa Counties voting on such constitutional amendment.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 908, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 676, 693, 886, and 908 - to the Committee on Local  
Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Biddle, Newton (C), and Johnson:

**H. 423.** To amend sections 22-52-2, 22-52-3, 22-52-4, 22-52-6, 22-52-7, 22-52-8, 22-52-9, 22-52-11, 22-52-12, 22-52-13, and 22-52-15, Code of Alabama 1975, relating to mental health and mental retardation, so as to provide further for the involuntary commitment, discharge and transfer of persons in state institutions; to prescribe definitions; to provide for new commitment criteria for persons whom petitions for involuntary commitment have been filed and to grant the department the authority to designate mental health facilities to receive persons for evaluations, admissions, detention, treatment and discharge; to allow designated mental health facilities to contract with public or private mental health facilities, subject to approval by the department, for care and treatment of committed persons; to allow the probate court the alternative to commit a respondent to outpatient treatment; to create standards that the probate court must follow in ordering outpatient treatment and to set a time limit on the outpatient treatment order; to create criteria for inpatient treatment, to set time limits on the order for inpatient commitment, and to provide a mechanism whereby an inpatient commitment order may be extended; to provide for the appointment of special probate judges to consider, hear and enter appropriate orders with regard to the renewal of commitment orders; to allow the transfer of a respondent committed to inpatient treatment to another treatment facility; to grant all persons acting in good faith in connection with the evaluation, examination, certification, testing, admission, detention, treatment or discharge of any respondent, freedom from all civil liability by reason of such action; to specifically repeal sections 22-52-1 and 22-52-10 of the Code of Alabama 1975; and to provide for an effective date.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing

Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 423 - to the Committee on Public Welfare

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Knight:

**H. 597.** To provide for the employment, powers, and duties of police officers of the University of Montevallo.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 597 - to the Committee on Governmental Affairs/Local Government

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Johnson:

**H. 497.** To authorize the Alabama Medicaid Agency to make financing available for addressing liability insurance costs for family practitioners, pediatricians and obstetricians who provide obstetrical services in rural or underserved areas; and authorize the Alabama Medicaid Agency to annually adjust such financing to allow for annual premium increases; and for other purposes.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.



**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

**HB 497 - to the Committee on Finance and Taxation**

**MESSAGE FROM THE HOUSE**

**Mr. President:**

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

**By Reps. Sanderford, Haney, Butler, and Hall (With Notice and Proof):**

**H. 764.** Relating to Madison County; to amend Section 1 of Act No. 80-277, H. 117, 1980 Regular Session, as amended, which provides for the distribution of TVA payments, so as to provide further for such distribution.

**I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 764, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.**

**GREG PAPPAS,**  
Clerk.

**Also:**

**By Rep. McKee (With Notice and Proof):**

**H. 921.** To repeal Act No. 80-709, entitled "An Act Relating to the City of Montgomery in Montgomery County; to authorize the City of Montgomery to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within such city, to be a public nuisance; to abate or cause to be abated the same; and, to create a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating same."

**I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 921, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.**

**GREG PAPPAS,**  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 764 and 921 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Higginbotham and Turnham (With Notice and Proof):

**H. 680.** Relating to the City of Opelika; to provide that the City of Opelika shall not exercise police jurisdiction or taxing power in any county unless a part of its corporate limits also lies in the county.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 680, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Millican (With Notice and Proof):

**H. 747.** Relating to Winston County; levying additional costs and charges of court; providing said additional costs and charges of court shall be expended for the cost of constructing, financing, planning, equipping and operating a new judicial building and jail; providing that the provisions of this act shall only become operative if approved by a majority of electors at a referendum; and to provide for the manner of conducting said referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 747, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 680 and 747 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. McDaniel (With Notice and Proof):

**H. 850.** Relating to Marshall County, the probate judge shall not receive for record or permit the recording of any instrument, conveying title or any interest in real property that does not have legibly printed, typewritten or stamped thereon the grantee's name and latest complete address.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 850, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Bryant (With Notice and Proof):

**H. 892.** Relating to Hale County; to provide for an additional expense allowance for the county coroner.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 892, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. Higginbotham and Turnham (With Notice and Proof):

**H. 894.** Relating to Lee County; to prohibit the placing of political signs, markers and advertising, on county controlled highways except for those signs or markers placed by or under the authority of the county.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 894, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 850, 892, and 894 - to the Committee on Local Legislation  
No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Layson (With Notice and Proof):

**H. 887.** Relating to Tuscaloosa County; to amend Section 1 of Act No. 80-536, H. 73, 1980 Regular Session (Acts 1980, p. 835), as amended, which provides overtime compensation for certain law enforcement officers, so as to provide further for the officers of the City of Northport.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 887, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Layson (With Notice and Proof):

**H. 888.** Relating to Tuscaloosa County; to amend Section 4 of Act No. 1225, H. 1498, 1969 Regular Session (Acts 1969, p. 2297), which establishes a Civil Service System for the City of Northport, so as to provide for the ability to compensate members of the Civil Service Board.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 888, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Melton (With Notice and Proof):

**H. 932.** Relating to Tuscaloosa County, to further amend Sections 1 and 2 of Act No. 601, H. 1087, 1976 Regular Session (Acts 1976, p. 817), as amended by Act No. 83-560, H. 820, 1983 Regular Session (Acts 1983, p. 858), which act deals with the issuance of pistol permits in certain counties, so as to provide further for fees and renewals.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 932, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Parker (T) (With Notice and Proof):

**H. 942.** Relating to the City of Tuscaloosa in Tuscaloosa County; authorizing an additional ad valorem tax to be used for general educational purposes and providing for a referendum for approval of the tax by the qualified electors of the city.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 942, AS REQUIRED IN

## THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.GREG PAPPAS,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 887, 888, 932, and 942 - to the Committee on Local  
Legislation No. 1

## STATEMENT BY THE PRESIDENT AND PRESIDING OFFICER

The President and Presiding Officer of the Senate announced that the Standing Committee on Economic Affairs would meet at 4 o'clock P.M. in Senator Corbett's office.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holmes (With Notice and Proof):

**H. 812.** Relating to Montgomery County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; abolishing the offices of tax assessor and tax collector; and providing for a referendum thereon.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 812, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Thomas (With Notice and Proof):

**H. 869.** To alter, rearrange and extend the boundary lines and corporate limits of the town of Mosses in Lowndes County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 869, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Hammett (With Notice and Proof):

**H. 939.** To authorize the City of Florala in Covington County to construct, maintain and operate a cable television service.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 939, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 812, 869, and 939 - to the Committee on Local Legislation  
No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Parker (P) (With Notice and Proof):

**H. 866.** To alter, rearrange and extend the boundary lines

and corporate limits of the municipality of Hartselle, in Morgan County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 866, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 866 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Higginbotham (With Notice and Proof):

**H. 818.** Relating to Lee County; authorizing the county commission to levy an additional ad valorem tax outside the corporate limits of the cities of Auburn and Opelika; and providing for a referendum for approval of the tax by the qualified electors of the area.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 818, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Gullatt (With Notice and Proof):

**H. 842.** Relating to the appointment of deputies in the sheriff's office of Russell County; providing for the manner of appointment and



determination of number and the compensation; repealing Act No. 87-529, H. 994 of the 1987 Regular Session (Acts 1987, p. 803) which provides for additional deputies.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 842, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Clark (W) (With Notice and Proof):

**H. 890.** To provide for the holding of an election among the qualified voters of Mobile County to determine whether alcoholic beverages may be legally sold and distributed in said county on Sundays after 12:00 o'clock noon by properly licensed retailers serving the general public; to provide conditions under which subsequent elections may be called to present the same question for reconsideration by the voters of Mobile County; to provide the allowable dates on which elections called pursuant to this act may be held, to specify the question to be presented to the voters in such elections and to provide the manner in which such elections shall be conducted and the results canvassed, tabulated, certified and declared; to provide that the properly licensed sale and distribution of alcoholic beverages on Sunday after 12:00 o'clock noon, if approved by a majority of the voters in Mobile County in an election held pursuant to this act, shall be legal in all of Mobile County, including each municipality or part thereof that is located in Mobile County, irrespective of whether a majority of the voters of each such municipality voting in such election voted against the expanded sale and distribution of alcoholic beverages on Sunday; and to provide that, with respect to any municipality having a part thereof located outside of Mobile County, any election conducted pursuant to this act shall involve only those voters of such municipality who are voters of Mobile County and the results of such election shall apply only to those parts of such municipality that are located in Mobile County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 890, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB's 818 and 842 - to the Committee on Local Legislation No. 1

HB 890 - to the Committee on Local Legislation No. 3

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Richardson (With Notice and Proof):

**H. 889.** Relating to Jackson County; to amend Section 7 of Act No. 89-265 enacted at the 1989 Regular Session of the Legislature of Alabama, so as to specifically authorize the Jackson County Water Authority to sell and issue bonds of the authority; to specify the use of proceeds of such bonds and the source of payment thereof; to make certain provisions with respect to the form, terms, denominations, tenor and maturities of such bonds, the interest thereon and the method and time of computing and paying such interest; to provide for the sale, execution and delivery of such bonds; to provide for liability on such bonds and security for the payment of principal thereof and interest thereon; and to make certain other provisions with respect to the borrowing of money and the issuance of bonds or other obligations by the authority.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 889, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 889 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 736.** To amend further Code of Alabama 1975, Section 32-5-313, relating to penalties for traffic infractions to provide funding for the driver education and training fund the Alabama college system truck driver training consortium fund, the catastrophic trust fund for special education, the Alabama traffic safety center fund and the state safety coordinating committee, so as to increase the penalty and to provide further for the distribution of funds.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 736 - to the Committee on Economic Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. McDaniel (With Notice and Proof):

**H. 852.** Relating to Marshall County; to provide that the notice required to be given to delinquent taxpayers prior to the sale for taxes of their property be given by publication; to provide that trials be held to determine whether such sale should be ordered; to provide a method to give notice to delinquent property owners to show cause why a decree of sale should not be rendered against them; to provide a method for the

sale of said property and the report of the amount of taxes collected from said sale.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 852, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 852 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Venable:

**H. 907.** Proposing an amendment to the Constitution of Alabama of 1901, providing for the election of the members of the board of education in the City of Tallassee, Alabama.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 907 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 140.** Relating to the City of Scottsboro in Jackson County, granting certain authority to the electric power board.

GREG PAPPAS,  
Clerk.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

**H. 164.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of funeral service with certain modifications; to amend sections 34-13-70 and 34-13-90 of the Code of Alabama 1975, to authorize the board to establish a reasonable examination fee for preparing and administering examinations of the board's applicants.

Also:

**H. 166.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the state board of registration for professional engineers and land surveyors, with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-11-8 to increase individual license fees to require a continuing education program for individual licensees of the board and to prescribe a late renewal penalty for corporate licensees; 34-11-9 to require corporate licensees to obtain approval of their corporate charter

prior to obtaining a corporate certificate of license and 34-11-36 to provide for the position of assistant executive director.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 161.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the state licensing board for general contractors with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: section 34-8-2 to provide further for license and renewal fees and a late renewal penalty; section 34-8-4 to authorize administrative fines by the board for violations of chapter 8, Title 34 and for violations of the board's rules and regulations; and Section 34-8-25 to authorize the secretary-treasurer to certify vouchers of the board without the Governor's approval.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 165.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the hearing aid dealers licensing board with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-14-1 to provide further definitions regarding apprentice permits and hearing aid fitters and dispensers; 34-14-2 to require retail sellers of hearing aids to have a licensed dispenser on their staff; 34-14-3 and 34-14-4 to provide further for licensing requirements of dispensers and fitters; 34-14-6 to provide further for the license renewal fees for fitters and dispensers; 34-14-7 to provide for the requirements and issuance of an apprentice permit; 34-14-8 to allow notices of the state board to be mailed to licensees; 34-14-9 to provide for complaints and disciplinary actions against apprentices; 34-14-10 to require certain information on the receipt of sale of hearing aids; 34-14-11 and 34-14-30 to provide further for the membership and powers of the state board.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 105.** COMMENDING NATHAN ANDREW BALLARD OF AUBURN ON HIS ELECTION AS ALABAMA YOUTH GOVERNOR, 1991-1992.

Also:

**SJR 106.** COMMENDING MEL ROSEN FOR DISTINGUISHED SERVICE TO AUBURN UNIVERSITY.

Also:

**SJR 107.** MOURNING THE DEATH OF FRANK ANTHONY ROSE, FORMER PRESIDENT OF THE UNIVERSITY OF ALABAMA.

Also:

**SJR 112. RELATIVE TO MEETING DAYS.**

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Blakeney and Black (L) (With Notice and Proof):

**H. 826.** Relating to Choctaw County; equalizing the salaries of the tax assessor and tax collector at the beginning of their next terms of office.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 826, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. McDaniel (With Notice and Proof):

**H. 851.** Relating to Marshall County; providing further for selling and redeeming lands for taxes.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 851, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Campbell (With Notice and Proof):

**H. 871.** To authorize the city council of the City of Anniston, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by the City of Anniston, on all taxable property situated within the



City of Anniston, the special ad valorem tax for public school purposes which is authorized in Amendment No. 8 to the Constitution, to a maximum rate, for any tax year of the city, which is equal to \$2.43 on each one hundred dollars (24.3 mills on each dollar) of assessed value.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 871, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 826, 851, and 871 - to the Committee on Local Legislation  
No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Black (L), Blakeney, and Dolbare:

**H. 359.** To repeal Sections 16-9-5, 16-9-6 and 16-9-7 of the Code of Alabama 1975, relating to the nomination by political parties, primary election to nominate and instructions on the ballot of county superintendents of education.

Also:

By Reps. Biddle, Payne, and Sanderson:

**H. 650.** To amend Section 40-10-6, Code of Alabama 1975, relating to publication of certain notices of sale of land for payment of taxes, so as to require such legal notices regarding such sales inserted in

a newspaper shall be listed by name in alphabetical sequence.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 359 - to the Committee on Constitution and Elections

HB 650 - to the Committee on Judiciary/Civil

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Laird (With Notice and Proof):

**H. 970.** Relating to Clay County; providing for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 970, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Hammett (With Notice and Proof):

**H. 973.** Relating to Covington County; providing for the publication of an annual financial statement.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 973, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. Hamilton and Starkey (With Notice and Proof):

**H. 841.** Relating to Lauderdale County and compensation for sheriff; providing further for the county supplement for such sheriff; and providing an effective date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 841, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 970, 973, and 841 - to the Committee on Local Legislation  
No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Gullatt (With Notice and Proof):

**H. 936.** Relating to Russell County; authorizing the county commission to increase the compensation for the members of the board of registrars.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 936, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Gullatt (With Notice and Proof):

**H. 937.** Relating to Russell County; authorizing the county commission to increase the compensation for election officials who work at polling places.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 937, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Bryant (With Notice and Proof):

**H. 946.** Relating to Perry County; to provide for an additional expense allowance for the county coroner.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 946, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 936, 937, and 946 - to the Committee on Local Legislation  
No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Freeman:

**H. 664.** To amend Sections 8-6-10, 8-6-11 and 8-7-6, Code of Alabama 1975, relating to the Alabama Securities Commission, so as to provide further for funding for said commission by increasing certain commission application and investigative fees as well as earmarking certain other existing securities commission application and license fees for use by the commission; and to provide for an appropriation to the Alabama Securities Commission from monies deposited in the Alabama Securities Commission Fund.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

**HB 664 - to the Committee on Finance and Taxation**

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Lindsey (With Notice and Proof):

**H. 931.** Relating to Cleburne County; to provide that the probate judge shall provide for an additional method of ordering annual certificates of registration of boats by mail; to provide that the probate judge shall charge an additional fee to the boat owner for each such certificate issued by mail, and to provide for the disposition of such fees.

**I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 931, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.**

GREG PAPPAS,  
Clerk.

Also:

By Rep. Clark (J) (With Notice and Proof):

**H. 969.** Relating to Barbour County; repealing Act No. 81-631, H. 946, 1981 Regular Session and Act No. 81-844, H. 947, 1981 Regular Session, which provide for assessments on forest lands for fire protection.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 969, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 931 and 969 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers, Mathis, and Beasley:

**H. 704.** To direct and authorize the department of conservation and natural resources, game and fish division, to enter into certain reciprocal agreements with the State of Florida so as to allow the respective states to honor any valid fishing or hunting license for Alabama or Florida, in possession of the citizens of either state, who are sixty-five years or older, to fish or hunt by the reciprocal state without further charge; to authorize the department to issue and enforce reasonable rules and regulations pursuant to any reciprocal agreement with Florida.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 704 - to the Committee on Economic Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Flowers:

**H. 136.** To authorize and provide the procedure for certain full-time employees of Soil and Water Conservation Districts throughout Alabama to be covered under the state employees' health insurance plan; to provide for the payment of the premiums for employees and their dependents; to provide for the termination of coverage under this act; and to require the state employees' insurance board to promulgate rules and regulations as may be required for the effective administration of the provisions of this act.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 136 - to the Committee on Banking and Insurance

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holmes (With Notice and Proof):

**H. 811.** To provide additional compensation for members of the Montgomery County Board of Education.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 811, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 811 - to the Committee on Local Legislation No. 1

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

**SJR 93.** COMMENDING DELTA SIGMA THETA SORORITY, INC., SOUTHERN REGIONAL CONFERENCE, ON THE SPONSORSHIP OF "DELTA YOUTH DAYS," JUNE 25-27, 1991.

Also:

**SJR 94.** COMMENDING THE JACKSONVILLE STATE UNIVERSITY BASEBALL TEAM AS NCAA DIVISION II NATIONAL BASEBALL CHAMPIONS FOR 1990 AND 1991.

Also:

**SJR 96.** DESIGNATING THAT PORTION OF U. S. HIGHWAY 431 AND ALABAMA HIGHWAY 1, FROM THE CITY LIMITS OF PHENIX CITY SOUTH ALONG SAID HIGHWAY TO STATE MILE MARKER 112 IN RUSSELL COUNTY, ALABAMA, AS "MARTIN LUTHER KING PARKWAY."

Also:



**SJR 98.** REQUESTING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO DIRECT CERTAIN PERSONS EXCAVATING SANDY SEDIMENT TO USE SUCH SEDIMENT FOR CERTAIN BEACH RESTORATION AND EROSION CONTROL.

Also:

**SJR 99.** COMMENDING JANICE MUNDLE OF MOBILE AS ALABAMA'S 1991 NURSE OF THE YEAR.

Also:

**SJR 100.** COMMENDING REYNOLDS METALS COMPANY ON THE OCCASION OF ITS 50TH ANNIVERSARY OF OPERATION.

Also:

**SJR 103.** COMMENDING WILLIAM HAROLD ALBRITTON, III, OF ANDALUSIA, ALABAMA, UPON HIS APPOINTMENT TO THE FEDERAL JUDICIARY.

Also:

**SJR 104.** COMMENDING WILLIAM D. LAZENBY OF OPELIKA AS PRESIDENT OF THE MEDICAL ASSOCIATION OF THE STATE OF ALABAMA.

Also:

**SJR 108.** RECOGNIZING WITH COMMENDATION AND WELCOMING THE SOUTHERN REGIONAL CONFERENCE OF DELTA SIGMA THETA SORORITY, INCORPORATED, TO MONTGOMERY, JUNE 26-30, 1991.

Also:

**SJR 109.** MOURNING THE DEATH OF BARRY M. CLARK OF MOBILE, ALABAMA.

JIM PREUITT,  
Chairperson.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after

the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**S. 82.** To amend Sections 8-20-4, 8-20-5, 8-20-7 and 8-20-9, Code of Alabama 1975, which relate to the Motor Vehicle Franchise Act, so as to provide further for unfair and deceptive trade practices, terminations and nonrenewals of franchise relationships, and the warranty obligations to dealers.

JIM PREUITT,  
Chairperson.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**S. 81.** To amend Sections 28-3-1 and 28-3-187.1, Code of Alabama 1975, relating to alcoholic beverages, so as to define the term "brandy" and to exempt brandy from certain labeling requirements.

JIM PREUITT,  
Chairperson.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**S. 44.** To provide for the hunting of game and unprotected wildlife with a cross bow upon certification by a physician that a person is handicapped.

JIM PREUITT,  
Chairperson.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**S. 40.** To authorize municipalities and counties to provide assistance to the governing body of any other municipality or county

when such municipality or county has been declared a disaster area by the Governor of the State of Alabama or by the President of the United States, and provides a procedure by which such assistance may be implemented.

JIM PREUITT,  
Chairperson.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holley:

**H. 53.** To amend Section 9-11-236, Code of Alabama 1975, as last amended, relating to the hunting, taking, catching, capturing, or killing of, or the possession of, certain protected birds or animals during closed hunting season, so as to further prohibit the possession thereof; to provide for certain specific prohibitions and penalties relating to hunting, taking, catching, capturing, killing, or the possession of, wild turkey; and to expressly repeal Section 9-11-239, Code of Alabama 1975, relating to the hunting, pursuit, capture, or killing of certain wild turkey and deer.

GREG PAPPAS,  
Clerk.

### **HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 53 - to the Committee on Agriculture, Conservation, and Forestry

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Petelos and Gaines:

**H. 35.** To amend Section 13A-12-231, Code of Alabama 1975, which provides for the offense of trafficking in illegal drugs, so as to include amphetamine and methamphetamine within the offense.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 35 - to the Committee on Judiciary/Criminal Justice and Public Safety

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Butler, Beasley, Johnson, Mikell, Smith (C), and Bowling:

**H. 292.** To amend Section 34-23-1, and 34-23-32, Code of Alabama 1975, which requires the annual registration of drug manufacturers with the state board of pharmacy, so as to likewise require wholesale distributors of drugs to register annually with said board, and to increase the board's fee for permits and renewals of permits.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 292 - to the Committee on Governmental Affairs/State Administration

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hawkins, Hooper, Hill, Knight, Morton, Carns, Petelos, and Parker (T):

**H. 72.** To provide for the "Alabama Safety Belt Use Act of 1991"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 72 - to the Committee on Small Business

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Newton (D), Buskey (JE), Grayson, Kennedy, Clay, Clark (W), and Barnes:

**H. 80.** Denying any state tax exemptions or deductions to any country or golf club that discriminates against any person on the basis of race, color, sex or religion.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 80 - to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Mathis:

**H. 606.** To provide that under certain circumstances, the State Pardons and Paroles Board may grant parole for any person sentenced as a habitual felony offender under Section 13A-5-9(c)(3), Code of Alabama, 1975 as the result of the commission of a crime not involving any physical injury, serious physical injury, or death to any person; to provide the person may be considered for parole no later than after serving 10 years for such sentence or sentences; to provide that the State Pardons and Paroles Board is empowered to make rules to implement this act; and to provide further that the provisions of this act shall not be applicable to persons who have been convicted of any felony which inflicted death, physical injury or serious physical injury to another or who committed certain offenses upon another.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 606 - to the Committee on Judiciary/Criminal Justice and Public Safety

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill

and ordered same sent forthwith to the Senate without engrossment:

By Reps. Bowling, Ford, Turnham, Burke, Smith (C), Lindsey, Laird, Richardson, Cosby, Penry, Poole, Johnson, Haynes, Millican, Payne, Carothers, Beasley, Newton (C), Crow, Zoghby, Rockhold, Gullatt, Hooper, Clark (J), McKee, Turner, and Morrow:

**H. 572.** To provide that all procedures, protections and remedies afforded to a motor vehicle dealer shall also be available to a motor vehicle distributor whose distributor agreement is terminated, canceled, not renewed, modified or replaced by a manufacturer or an importer.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 572 - to the Committee on Small Business

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Morrow (With Notice and Proof):

**H. 862.** To repeal Act No. 81-771, S. 666, 1981 Regular Session (Acts 1981, p. 1328), relating to forest fire protection in Franklin County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 862, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Thomas (With Notice and Proof):

**H. 864.** To alter, rearrange and extend the boundary lines



and corporate limits of the municipality of Camden in Wilcox County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 864, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. Smith (C) and Powell (With Notice and Proof):

**H. 913.** Relating to Chilton County; to repeal Act No. 90-304, 1990 Regular Session, entitled "An Act Relating to Chilton County, Alabama, to allow, in addition to the uses now otherwise allowed, the use of funds collected or obtained pursuant to the provisions of Title 11, Subtitle 3, Chapter 98, Code of Alabama 1975, by communications districts in said county, for the purchasing of road and street signs necessary for roads and streets which are renamed in order to establish E 911 service, due to the local needs of Chilton County not having been otherwise provided for by other legislation."

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 913, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 862, 864, and 913 - to the Committee on Local Legislation  
No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint

Resolution and sends same herewith to the Senate for its consideration:

By Reps. Cosby, Kennedy, Butler, Escott-Russell, Turner, Beasley, Clark (W), McDowell, Rogers (J), Newton (C), Newton (D), Hooper, Bryant, Thomas, Spratt, Dolbare, Melton, Barnes, Burke, Zoghby, and Buskey, (JL):

**HJR 362. ESTABLISHING THE JOINT INTERIM STUDY COMMITTEE ON THE FEASIBILITY OF ESTABLISHING A CIVIL WAR-CIVIL RIGHTS HERITAGE CENTER.**

WHEREAS, the Alabama Legislature recognizes that the State of Alabama historically has been the pivotal catalyst in raising the national consciousness resulting in this country's policies for states rights and equal rights and, indeed, it was on our soil that two of our nation's most significant and historical events hurled our nation into a new era of maturity and compassion for its people; and

WHEREAS, the seat of the provisional Confederate government was in Montgomery where the confederation of states, seceded from the Union, assembled and wrote its Constitution which later engaged the nation in a savage and bloody Civil War which divided not only the nation but families and friends and left the South with scorched fields, economic ruin and psychological scars for decades to come although a proud and noble people; and

WHEREAS, the struggle of our black citizens for their constitutional rights long denied in both the south and the north, east and west, became a national cause, at the cost and sacrifice of lives and well-being of many blacks, whites and other national origins, and the State of Alabama saw the Civil Rights Movement born on the highways and in the streets from Selma to Montgomery, Alabama; and

WHEREAS, these two momentous events changed forever not only the face but the heart of this state and nation; and

WHEREAS, the youth of Alabama, and indeed the world, need to learn both the historical heritage and the courage of national figures of prominence and the ordinary citizens in the street who resolved the issues and met the challenges of the day to move into their future prominence; and

WHEREAS, there should be a center for educational and historical purposes to record the events of each era and the saga and landmarks of each in a central attraction with thematic references uniting each to the

other and the lessons to be learned for succeeding generations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee on the feasibility of establishing a State Historical and Educational Center for the Civil War-Civil Rights Heritage of this state. The study committee shall study all facets of establishing such center including its physical and operational structure, site, the manner of educational and historical exhibits, equipment and techniques of preservation and prosecution, as well as tourist marketing and positive image of our citizens' contributions to the Civil War and Civil Rights movements and events. The committee shall be composed of seven members with one member from each congressional district from each house of the legislature appointed respectively by the Speaker of the House and the Lieutenant Governor with the House sponsor and the Senate sponsor of the resolution serving as co-chairs of the committee.

BE IT FURTHER RESOLVED, That upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1992 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee or to the business of the committee within or without the state, which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$7,500.00 per fiscal year. The committee may hold public hearings, at locations of its discretion.

RESOLVED FURTHER, That all state agencies, boards and commissions shall assist the committee as called upon, and the Alabama Historical Commission and the Department of Archives and History shall assist the Committee with facts, figures, expertise and advice as required by the Committee.

BE IT RESOLVED FURTHER, That upon its final report to the legislature the committee shall stand discharged of any further duties and obligations.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 362, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Freeman, Hall, Butler, Haney, Grayson, and Sanderford:

**HJR 354. COMMENDING JOSEPH C. MOQUIN FOR DISTINGUISHED SERVICE AND LEADERSHIP AS INTERIM PRESIDENT OF THE UNIVERSITY OF ALABAMA IN HUNTSVILLE.**

Also:

By Rep. Parker (T):

**HJR 357. MOURNING THE DEATH OF ROBERT C. MORROW OF TUSCALOOSA, ALABAMA.**

Also:

By Reps. Burke, Lindsey, and Ford:

**HJR 359. COMMENDING L. D. DOBBINS OF COLLINSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.**

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Floyd, the Rules were suspended and the Resolutions, HJR's 354, 357, and 359, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Cosby, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

**HJR 333. HONORING MEMBERS OF THE SELMA NATIONAL GUARD 638TH ORDNANCE COMPANY (AMMUNITION).**

GREG PAPPAS,  
Clerk.

#### HOUSE MESSAGE

On motion of Senator Floyd, the Rules were suspended and the Resolution, HJR 333, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

**HJR 345. RELATIVE TO MEETING DAYS.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, June 20, 1991, they adjourn to meet again on Tuesday, June 25, 1991.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Floyd, the Rules were suspended and the Resolution, HJR 345, set out in the foregoing Message from the House was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Harper:

**HJR 313.** DECLARING AN EMERGENCY IN REGARD TO FUNDING FROM THE ALABAMA SPECIAL EDUCATIONAL TRUST FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1992.

WHEREAS, the Legislature hereby determines pursuant to Act 88-981 that an emergency exists in regard to funding from the Alabama Special Educational Trust Fund:

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the sum of \$16,000,000 shall be withdrawn from the Proration Prevention Account and shall be transferred to the Alabama Special Educational Trust Fund on or after October 1, 1991, to be available for appropriation by the Legislature for the fiscal year ending September 30, 1992.

BE IT FURTHER RESOLVED, That this resolution shall become effective immediately upon its passage by the Legislature and approval by the Governor or upon its otherwise becoming a law.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Floyd, the Rules were suspended and the Resolution, HJR 313, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Warren:

**HJR 329. DECLARING THE LEGISLATIVE INTENT REGARDING THE PASSAGE OF ACT NO. 90-560.**

WHEREAS, the Legislature passed Act No. 90-560 at the 1990 Regular Session of the Legislature; and

WHEREAS, this act provided in its Section 1 as follows, viz: Section 1. Any circuit clerk who attains office by appointment, subsequent to the beginning of the term of office, shall be entitled to purchase prior service credit toward supernumerary status retroactively to the beginning of the term. Such prior service credit shall be made upon the conditions of Section 12-17-144, Code of Alabama 1975, as amended, being fulfilled; and

WHEREAS, it was the intent of the Legislature in referring to Section 12-17-144 of the Code of Alabama 1975, to use the provisions of said section solely to set forth the method and amount of the contribution that must be made by a supernumerary circuit clerk rather than set a specific date on which such a supernumerary circuit clerk must have been in office; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do declare and specify to any court or governmental agency interpreting the provisions of said Act No. 90-560, that it was the intent of the Legislature of the State of Alabama in referring to Section 12-17-144 of the Code of Alabama 1975, to use the provisions of said section solely to set forth the method and amount of the contribution that must be made by a supernumerary circuit clerk rather than set a specific date on which such a supernumerary circuit clerk must have been in office.

BE IT FURTHER RESOLVED, That any governmental agency or court shall receive this resolution as positive evidence of the Legislative Intent in passing said Act No. 90-560.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 329, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Bugg, Smith (R), and Ford:

**HJR 341. MOURNING THE DEATH OF BOBBY LEE AUSTIN OF GADSDEN, ALABAMA.**

Also:

By Rep. Hamilton:

**HJR 342. COMMENDING ROGERS SCHOOL, LAUDERDALE COUNTY, ALABAMA, ON THE STATE CLASS 3A BOYS BASEBALL CHAMPIONSHIP FOR 1991.**

Also:

By Rep. Escott-Russell:

**HJR 347. RECOGNIZING WITH COMMENDATION AND WELCOMING THE SOUTHERN REGIONAL CONFERENCE OF DELTA SIGMA THETA SORORITY, INCORPORATED, TO MONTGOMERY, JUNE 26-30, 1991.**

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Floyd, the Rules were suspended and the Resolutions, HJR's 341, 342, and 347, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:



By Rep. Gullatt:

**HJR 327. DESIGNATING THAT PORTION OF ALABAMA HIGHWAY 165 IN RUSSELL COUNTY, ALABAMA, AS "LANDMARK HIGHWAY."**

Also:

By Reps. Lindsey, Butler, and Burke:

**HJR 328. CONGRATULATING MR. AND MRS. ROBERT DALE BRASFIELD OF MONTGOMERY ON THE BIRTH OF A SON, PERRY ROBERT BRASFIELD.**

Also:

By Rep. Williams:

**HJR 330. MOURNING THE DEATH OF THOMAS COLVIN OF OZARK, ALABAMA.**

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Corbett the Rules were suspended and the Resolution, HJR 327 set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Floyd the Rules were suspended and the Resolutions, HJR's 328 and 330 set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

**SJR 105. COMMENDING NATHAN ANDREW BALLARD OF AUBURN ON HIS ELECTION AS ALABAMA YOUTH GOVERNOR, 1991-1992.**

Also:

**SJR 106. COMMENDING MEL ROSEN FOR DISTINGUISHED SERVICE TO AUBURN UNIVERSITY.**

Also:

**SJR 107. MOURNING THE DEATH OF FRANK ANTHONY ROSE, FORMER PRESIDENT OF THE UNIVERSITY OF ALABAMA.**

JIM PREUITT,  
Chairperson.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. McMillan, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C),

Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

**HJR 334. COMMENDING TOM DOLAN OF MONTGOMERY, ALABAMA, FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA AND CITIZENS THEREOF.**

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Floyd, the Rules were suspended and the Resolution, HJR 334, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Sanderford, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

**HJR 338. COMMENDING LIEUTENANT GENERAL CARL E. MUNDY, JR., USMC, MONTGOMERY, ALABAMA.**

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Floyd, the Rules were suspended and the Resolution, HJR 338, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Cosby, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

**HJR 331. NOTING WITH COMMENDATION THE "WELCOME HOME CELEBRATION," JULY 4, 1991, IN SELMA, ALABAMA.**

Also:

By Reps. Cosby, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson,

Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

**HJR 332. HONORING MEMBERS OF THE SELMA NATIONAL GUARD 1135TH SUPPLY AND SERVICE COMPANY (DIRECT SUPPORT).**

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Floyd, the Rules were suspended and the Resolutions, HJR's 331 and 332, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. McMillan:

**HJR 335. COMMENDING CHRISTI ZARR PAGE OF BAY MINETTE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.**

Also:

By Reps. Parker (T), Melton, Poole, and Cagle:

**HJR 337. COMMENDING JOAB LANGSTON THOMAS FOR HIS CONTRIBUTIONS TO EXCELLENCE IN HIGHER EDUCATION.**

Also:

By Reps. Melton, Poole, Parker (T), and Layson:

**HJR 339. COMMENDING CORDELL WYNN OF TUSCALOOSA, ALABAMA, FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE.**

Also:

By Rep. Rogers (J):

**HJR 340. RECOGNIZING WITH COMMENDATION THE FIFTH GRAND REUNION OF WESTERN-OLIN HIGH SCHOOL, JULY 25-28, 1991.**

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Floyd, the Rules were suspended and the Resolutions, HJR's 335, 337, 339, and 340, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Hamilton and Starkey:

**HJR 363. MOURNING THE DEATH OF J. C. CAMPBELL OF CENTER STAR, LAUDERDALE COUNTY, ALABAMA.**

Also:

By Reps. Buskey (JL), Holmes, and Kennedy:

**HJR 364. COMMENDING ERSKINE HAWKINS, A DISTINGUISHED ALABAMIAN OF INTERNATIONAL RENOWN.**

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Floyd, the Rules were suspended and the Resolutions, HJR's 363 and 364, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Johnson:

**HJR 371. COMMENDING PENNY MOORE OF SYLACAUGA, ALABAMA, FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE.**

Also:

By Reps. Carothers and Johnson:

**HJR 373. HONORING W. EARLE RILEY, M.D. OF BIRMINGHAM, ALABAMA FOR DISTINGUISHED SERVICE TO THE PUBLIC HEALTH AND WELFARE AND TO THE MEDICAL PROFESSION OF THIS STATE.**

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Floyd, the Rules were suspended and the Resolutions, HJR's 371 and 373, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Penry, Harper, Williams, Thomas, and Box:

**HJR 374. EXPRESSING THE LEGISLATURE'S SUPPORT FOR DEVELOPMENT OF RESOURCES OF THE ARCTIC NATIONAL WILDLIFE REFUGE COASTAL PLAIN TO PROVIDE FOR FURTHER U.S. ENERGY NEEDS.**

WHEREAS, the recent decline in domestic oil and gas exploration and production along with a great increase in the importation of foreign crude oil has increased U.S. dependence on foreign sources of supply; and

WHEREAS, oil from Prudhoe Bay on Alaska's North Slope currently accounts for over 20 percent of total U.S. production, but the near future will see a rapid decline in this production; and

WHEREAS, major new discoveries of oil and gas are urgently needed, and the addition of a major new North Slope oil field would significantly reduce our nation's dependence on foreign sources of supply and, thereby, enhance our economic and military security; and

WHEREAS, geologic and geophysical studies indicate that the coastal plain of the Arctic National Wildlife Refuge may hold deposits of oil and gas exceeding those of Prudhoe Bay; and

WHEREAS, in addition to increasing U.S. energy self-sufficiency, exploration and development in the Arctic National Wildlife Refuge would provide economic benefits to the lower 48 states, since studies by the Alaska Oil and Gas Association indicate that over \$9 billion was spent since 1980 to provide parts, equipment, other supplies, and labor in support of the oil industry in Alaska; and

WHEREAS, development of the Alaskan North Slope oil fields has clearly demonstrated that petroleum operations are compatible with the Alaskan arctic environment and wildlife; and

WHEREAS, should petroleum development occur, less than one-tenth of one percent of the total ANWR area would be affected; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express support for development of the resources of the Arctic National Wildlife Refuge coastal plain to provide for future U.S. energy needs and to reduce the dangerous overdependence on oil imports.

BE IT FURTHER RESOLVED, That we urge the Congress to act expeditiously to enact ANWR development legislation and to reject proposals providing for permanent bans on oil and natural gas leasing on the coastal plain.

RESOLVED FURTHER, That copies of this resolution be forwarded to each member of the Alabama Congressional Delegation.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Floyd, the Rules were suspended and the Resolution, HJR 374, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.



**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of Montevallo Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

Done this 27th day of June, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Senator Walter Owens of Centreville, Alabama, to the University of Montevallo Board of Trustees. Senator Owens will be replacing Mr. James White, who has resigned, and his term will expire January 19, 1995.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 27th day of June, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the University of Montevallo Board of Trustees, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Gulf States Marine Fisheries Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

Done this 25th day of June, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Chris Nelson of Bon Secour, Alabama, to the Gulf States Marine Fisheries Commission. Mr. Nelson will be replacing John Ray Nelson and his term will expire July 1, 1995.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 25th day of June, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Gulf States Marine Fisheries Commission, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Board of Human Resources.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

Done this 25th day of June, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have reappointed, subject to your confirmation, Mr. Jerry Dickinson of Birmingham, Alabama, to the Board of Human Resources. Mr. Dickinson's term will expire August 28, 1997.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 25th day of June, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Human Resources, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Board of Human Resources.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

Done this 25th day of June, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Willie Williams of Point Clear, Alabama, to the Board of Human Resources. Mr. Williams will be replacing Beverly Ward and his term will expire August 28, 1997.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 25th day of June, 1991.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Human Resources, was read and referred to the Standing Committee on Confirmations.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Ethics Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

Done this 23rd day of May, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

Having consulted the Lieutenant Governor and the Speaker of the House, I have appointed, subject to your confirmation, Mr. Frank Mason from Birmingham, Alabama, to the State Ethics Commission. He will be replacing Dr. Sandra McLeod and his term will expire September 1, 1995. The signatures of James S. Clark, Speaker of the House, and Jim Folsom, Jr., the Lieutenant Governor, are on file in the Governor's Office.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 22nd day of May, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Ethics Commission, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to a promotion in the Army National Guard.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

Done this 28th day of May, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Colonel Gerald O. Dial of Lineville, Alabama, to the grade of Brigadier General in the Army National Guard, effective June 24, 1991.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 28th day of May, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a promotion to the rank of Brigadier General in the Army National Guard, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Cahaba Trace Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

Done this 5th day of June, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have reappointed, subject to your confirmation, Senator Charles Langford from Montgomery, Alabama, to the Cahaba Trace Commission. Senator Langford's term will expire December 31, 1994.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 5th day of June, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Cahaba Trace Commission, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Cahaba Trace Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

Done this 5th day of June, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Jessie D. Shufford, of Hope Hull, Alabama, to the Cahaba Trace Commission. Mr. Shufford will be replacing James T. Haynes and his term will expire, December 31, 1994.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 5th day of June, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Cahaba Trace Commission, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Cahaba Trace Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

Done this 5th day of June, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Ms. Mary Hughes of Montevallo, Alabama, to the Cahaba Trace Commission. Ms. Hughes will be replacing Dr. S.M. Mahan and her term will expire December 31, 1992.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 5th day of June, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Cahaba Trace Commission, was read and referred to the Standing Committee on Confirmations.



**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Cahaba Trace Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

Done this 5th day of June, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have reappointed, subject to your confirmation, Ms. Peggy Singleton from Greensboro, Alabama, to the Cahaba Trace Commission. Ms. Singleton's term will expire December 31, 1994.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 5th day of June, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Cahaba Trace Commission, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Cahaba Trace Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

Done this 5th day of June, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have reappointed, subject to your confirmation, Mayor Jerry Pow of Brent, Alabama, to the Cahaba Trace Commission. Mayor Pow's term will expire December 31, 1994.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 5th day of June, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Cahaba Trace Commission, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Cahaba Trace Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

Done this 5th day of June, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Dr. Thomas Wilson from Marion, Alabama, to the Cahaba Trace Commission. Dr. Wilson will be replacing Rev. Robert Johnson, who has died, and his term will expire December 31, 1994.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 5th day of June, 1991.

#### **GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Cahaba Trace Commission, was read and referred to the Standing Committee on Confirmations.

#### **MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Cahaba Trace Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

Done this 5th day of June, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Johnny Christian of Northport, Alabama, to the Cahaba Trace Commission. Mr. Christian will be replacing Mr. C. J. Hartley and his term will expire December 31, 1994.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 5th day of June, 1991.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Cahaba Trace Commission, was read and referred to the Standing Committee on Confirmations.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Cahaba Trace Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

Done this 5th day of June, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Ken Penhale from Helena, Alabama, to the Cahaba Trace Commission. Mr. Penhale will be replacing Charles Penhale and his term will expire December 31, 1994.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 5th day of June, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Cahaba Trace Commission, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to a promotion in the Air National Guard.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

Done this 23rd day of May, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Colonel Rendell F. Clark, Jr., of Montgomery, Alabama, to the grade of Brigadier General as the Chief of Staff, Headquarters, Alabama Air National Guard, effective May 22, 1991.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 23rd day of May, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a promotion to the rank of Brigadier General in the Air National Guard, was read and referred to the Standing Committee on Confirmations.

### REPORTS OF COMMITTEES

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Lindsey:

**S. 579.** To amend Sections 28-2A-1, 28-2A-3 and 28-2A-4 of the Code of Alabama 1975, relating to elections as to sale and distribution of alcoholic beverages within municipalities, so as to provide further for such elections.

By Senator Lindsey:

**S. 585.** To amend Sections 9-4-11 and 9-4-12, Code of Alabama 1975, so as to provide the state geological survey with the authority to enter into agreements with the United States geological survey and other federal agencies in the execution of cooperative geologic surveys, including oil and gas assessments, of the State of Alabama.

By Senator Corbett:

**S. 596.** To amend Section 34-8-1, Code of Alabama 1975, which provides for the definition of the term "general contractor," so as to provide further for such definition.

By Senator Corbett:

**S. 642.** To repeal Section 27-30-16, Code of Alabama 1975,

which provides for reserve valuation law for cash benefits payable under policies issued by Mutual Aid Associations.

By Senators Preuitt and Corbett:

**S. 643.** To provide for the reopening of the employees' retirement system for certain active members who had employment with the Alabama Legislature prior to 1979.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Mitchell (With Amendment):

**S. 495.** Relating to the issuance of permits by the board of dental examiners to administer general anesthesia pursuant to chapter 9, Title 34, Code of Alabama 1975; to amend Sections 34-9-63 and 34-9-64, Code of Alabama 1975, so as to provide further for the requirements and privileges of the issuance of such permits and for the practice of parenteral sedation on and after August 1, 1991.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Preuitt:

**S. 644.** Proposing an amendment to the Constitution of 1901 to provide for the prohibition of abortions in the state except to save the life of the mother, or in reported cases of specified rape or incest; to provide certain affirmative defenses for rape and incest; to provide that the woman upon whom the abortion is being performed is not subject to criminal penalties; to provide otherwise criminal penalties for the crime of abortion; to provide certain reporting requirements and criminal penalties for failing to report; and to provide that this amendment supersedes Section 13A-13-7 of the Code of Alabama 1975, and all laws or parts of laws in conflict therewith.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Carns, Fuller, Hawkins, Sanderson, Hooper, Curry, Zoghby, Turner, McMillan, Rockhold, Crow, Willis, Mikell, Gaines, Hill, Knight, Morton, Biddle, McKee, Payne, Millican, Smith (C), Laird, Hamilton, Blakeney, Petelos, Butler, Penry, Walker, White, Drake, and Cullins:

**H. 337.** To provide for the prohibition of abortions in the state except to save the life of the mother, or in reported cases of specified rape or incest; to provide certain affirmative defenses for rape and incest; to provide that the woman upon whom the abortion is being performed is not subject to criminal penalties; to provide otherwise criminal penalties for the crime of abortion; to provide certain reporting requirements and criminal penalties for failing to report; and to repeal Section 13A-13-7 of the Code of Alabama 1975.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Horn:

**S. 594.** To appropriate from the agricultural fund for the fiscal year ending September 30, 1991, the sum of \$250,000 for use by the Department of Agriculture and Industries.

By Senator Bedsole:

**S. 600.** To amend Sections 15-23-3, 15-23-4 and 15-23-17, relating to the Crime Victims Compensation Commission, so as to provide further for the name of the commission and to provide further for crime victim costs and assessments in various cases.

By Senators Horn, Foshee, and Barron:

**S. 659.** Authorizing the property inventory control division of the state auditor's office to automate the property inventory control system of the state and to charge and collect from each state department or agency for its inventory services on state personal property authorized under Section 36-16-8 of the Code of Alabama 1975; authorizing the state auditor to promulgate administrative rules and procedures for automating and for charging and collecting for such inventory services and providing that the proceeds from such charges shall be deposited in a special state property control fund in the state treasury to be used to



support the property inventory control functions of the state auditor's office; creating the special fund in the state treasury to which such charges will be deposited; and making an appropriation to the auditor's office from that fund for the fiscal year ending September 30, 1991 and September 30, 1992.

By Rep. Harper:

**H. 231.** To make an appropriation from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

**H. 233.** To make an appropriation from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

**H. 243.** To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

**H. 244.** To make an appropriation from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

**H. 248.** To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Amendment):

**H. 250.** To make an appropriation from the State General Fund to the Child Advocacy Centers for the fiscal year ending September 30, 1992, and to require operations plans and audited financial statements prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper:

**H. 258.** To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1992, and to require an operations plan prior to release of any funds.

By Reps. Kennedy, Starkey, and Zoghby:

**H. 371.** To amend Section 40-23-68 of the Code of Alabama 1975, to require out-of-state businesses with Alabama nexus to collect and report Alabama Use Tax on their sales to Alabama customers, and to provide for an effective date.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Petelos, Gaines, Buskey (JL), Sanderson, McDowell, Thomas, McClain, Spratt, Curry, and Box (With Substitute):

**H. 34.** To provide for a community punishment and corrections program and procedures as alternative punishment for eligible offenders; to provide for local community punishment and corrections planning boards in the judicial circuit or counties to develop a local community punishment and corrections plan to qualify for receipt of funding; to provide for the establishment of such alternative plans and programs whereby state funds may be granted or contracted with or through local governments and qualified non-profit, human service agencies and entities to provide planning, treatment, guidance, training

or other rehabilitative services and programs; to provide authorization for the department of corrections to participate in the plan; to provide for immunity from civil liability, except in cases of willful or wanton misconduct, fraud, or gross negligence for county governmental units, community corrections advisory boards, non-profit entities or officials, directors and employees thereof, for any injury or loss sustained by a person performing any duty or responsibility under the act and from liability for any tortious acts performed by such person while sentenced under this act and to provide the effective date of this act.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. McKee:

**H. 42.** To provide that appeals from death sentence cases and from post conviction writs involving such cases shall be directly to the Alabama Supreme Court; to amend Sections 12-3-9 and 13A-5-53, Code of Alabama 1975; to provide that the Alabama Supreme Court shall amend the Alabama Rules of Appellate Procedure to accommodate and reflect the provisions of this act; and to provide which cases shall be governed by the new act.

By Rep. Drake:

**H. 469.** Providing that certain members of the retirement systems of Alabama may purchase credit for certain previous service, not to exceed eight years service, rendered to a county as a county solicitor and prescribing certain conditions for purchasing such credit.

Senator Hale, Vice-Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Hale (With Amendment):

**S. 129.** To amend Section 6-5-332.1, Code of Alabama 1975, relating to immunity from liability for certain persons assisting in mitigating the effects of a hazardous waste discharge, so as to include members of emergency planning groups within such immunity.

Senator Hale, Vice-Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Bennett (With Substitute):

**S. 19.** To provide for a community corrections plan and procedure as an alternative to incarceration for eligible offenders who have been convicted of a nonviolent felony offense; to provide for local community corrections advisory boards in the judicial circuits and counties to adopt a local community corrections plan and qualify for receipt of grants and funding; to provide for the establishment of such alternative plans and programs by resolution of county commissions whereby state funds may be granted to and contracted with or through local governments and qualified nonprofit, human service agencies and entities to provide planning, treatment, guidance, training or other rehabilitation services and programs; to provide for cooperation with the department of corrections; and to provide for discretion of the trial judge in sentencing and revocation of sentencing to such alternative corrections programs.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Campbell:

**S. 545.** To amend Section 2-27-53, Code of Alabama 1975, which provides for the licensing and examination of persons engaged in the custom application of pesticides, so as to increase the licensing fees.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Johnson (With Substitute):

**H. 333.** To amend section 38-2-6, Code of Alabama 1975, relating to the duties, powers and responsibilities of the Alabama state

department of human resources, so as to provide for establishing rules and standards for inspection and approval of adult foster care homes and adult day care centers and homes.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator deGraffenried (With Amendments):

**S. 658.** To provide further for the administrative procedures of the revenue department relating to the taxpayers' rights concerning refunds, penalties, assessments and appeals; to establish new uniform procedures for the administration of taxes administered by the department of revenue; to amend certain sections of Titles 11, 22, 32, 35 and 40 and to repeal certain sections of Titles 9, 22, 32 and 40, Code of Alabama 1975, relating to specific procedures for specific taxes, so as to standardize procedures for administering the revenue laws and to remove certain ambiguities and conflicts; to provide further for penalties; and to provide an effective date.

Senator Dial, Chairperson of the Standing Committee on Industrial Development and Expansion, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Owens:

**S. 477.** To further amend Section 14-2-12 of the Code of Alabama 1975, so as to authorize Alabama Corrections Institution Finance Authority to issue an additional \$25,000,000 aggregate principal amount of Bonds.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Black (M) (With Notice and Proof):

**H. 576.** Relating to Colbert County and particular portions

thereof, to provide further for fire protection, to levy a fire protection service fee on certain owners of dwellings, to provide for certain exemptions, to provide for the collection of said fee, to provide for the distribution of funds derived from said fee to volunteer fire departments, to provide for the expending and accounting of said funds, to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department, to provide that the county shall be immune from certain liability, and to provide that the operation of the act is conditioned on approval of certain electors at an election.

By Rep. Laird (With Notice and Proof):

**H. 577.** To alter, rearrange and extend the boundary lines and corporate limits of the Town of Wedowee in Randolph County, so as to include the industrial park.

By Rep. Bryant (With Notice and Proof):

**H. 669.** Relating to Perry County; repealing Act No. 80-492, H. 1040, 1980 Regular Session, as amended, which provides for an assessment on forest lands for fire protection.

By Rep. Smith (C) (With Notice and Proof):

**H. 670.** Relating to Bibb County; repealing Act No. 772, H. 1708, 1973 Regular Session, which provides for an assessment on forest lands for fire protection.

By Reps. Fuller and Laird (With Notice and Proof):

**H. 716.** Relating to Chambers County; amending Act No. 475, H. 304, 1973 Regular Session, which established the county commission, so as to provide further for the meetings of the county commission.

By Reps. Fuller and Laird (With Notice and Proof):

**H. 717.** Relating to Chambers County; amending Act No. 81-466, H. 974 of the 1981 Regular Session (Acts 1981, p. 816), providing for the mileage allowance of the county coroner, so as to make a monthly payment in lieu of such mileage payable from the county general fund.

By Rep. Lindsey (With Notice and Proof):

**H. 719.** Relating to Cleburne County; repealing Act No. 81-139, H. 576, 1981 Regular Session, as amended, which provides for an assessment on forest lands for fire protection.

By Rep. Richardson (With Notice and Proof):

**H. 728.** To amend Section 1 of Act No. 89-397, H. 673 of the 1989 Regular Session (Acts 1989, p. 776), which levied a certain tax on tobacco and tobacco products in Jackson County, so as to provide further for such tax.

By Reps. Powell and Smith (C) (With Notice and Proof):

**H. 751.** Relating to Chilton County; authorizing the county commission to levy in such county of an additional privilege or license tax, paralleling the state sales tax provided for in Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975; providing for the collection of such tax by the state department of revenue, and for the distribution and use of the proceeds thereof; providing for the enforcement of the act; providing penalties for violations of the act and providing for an election with respect to such tax.

By Reps. Rich and McDaniel (With Notice and Proof):

**H. 755.** Relating to Marshall County, amending Act No. 82-206, H. 623, 1982 Regular Session, which establishes a civil service system for county employees, so as to remove certain employees from the provisions of the act.

By Rep. Parker (P) (With Notice and Proof):

**H. 776.** To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

By Rep. Black (M) (With Notice and Proof):

**H. 791.** Relating to Colbert County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; abolishing the offices of tax assessor and tax collector; repealing conflicting laws; and providing for a referendum thereon.

By Rep. Bryant (With Notice and Proof):

**H. 838.** To amend Section 1 of Act No. 1378, page 2323, Acts of Alabama 1971, entitled "Relating to Hale County; fixing the fee for issuance of pistol permits by the sheriff and providing for disposition and use of such fees" so as to increase this fee.

By Rep. Lindsey (With Notice and Proof):

**H. 859.** Relating to Cherokee County; providing certain additional compensation for the poll workers to be paid from the county general fund.

By Rep. Lindsey (With Notice and Proof):

**H. 860.** Relating to Cherokee County; to provide for the merging of the budgetary operations of the Revenue Commissioner's office; to provide that the said office shall be financed on a pro rata share basis from proceeds of state, county and municipal ad valorem taxes collected in the county; to establish a separate county fund to receive the tax collections, to be named the revenue commissioner's operational fund; and to provide for supplemental effect.

By Senator Hale (With Notice and Proof):

**S. 546.** Relating to Cullman County; abolishing the office of constable and providing an effective date.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Hale (With Notice and Proof) (With Substitute):

**S. 547.** Pertaining to Madison County; to supplement the salaries of the judges of the district court of said county.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hale (With Notice and Proof):

**S. 548.** Relating to Cullman County, providing for an advisory referendum for the electors of the city of Cullman regarding the election of the members of the city board of education.



By Senator Hale (With Notice and Proof):

**S. 552.** Relating to Cullman County; providing for a form for the probate judge to use for petitions or in referendum elections that will distinguish and identify signees and authorizing the probate judge to void any name that fails to include information requested to distinguish and identify the signee.

By Senator Barron (With Notice and Proof):

**S. 568.** Providing for the maintenance of a public law library in DeKalb County through imposition of a certain library fee attached to certain court costs; providing for the management of such library; and providing for disposition of funds from such fees.

By Senator Barron (With Notice and Proof):

**S. 569.** To amend Section 7 of Act No. 444, H. 986 of the 1961 Regular Session (Acts 1961, p. 482), which provided further for the DeKalb County Commission, so as to provide further for meetings of such commission.

By Senator Barron (With Notice and Proof):

**S. 570.** To repeal Act No. 144, H. 557 of the 1973 Regular Session (Acts 1973, p. 174), entitled "An Act Relating to DeKalb County; abolishing the position of county license inspector; placing the powers, duties and functions of said office in the sheriff of said county; providing for the disposition of fees accruing from the performance of the duties of license inspector and repealing conflicting laws."

By Senator Barron (With Notice and Proof):

**S. 571.** To amend Section 1 of Act No. 81-582, 1981 Regular Session, (Acts 1981, p. 969), which fixes the fee for issuance of a pistol permit in DeKalb County, so as to provide further for such fee.

By Senator Barron (With Notice and Proof):

**S. 572.** Relating to DeKalb County; authorizing certain county officials to use mechanical or facsimile devices for signatures on warrants or checks drawn on the county treasury or depository.

By Senator Barron (With Notice and Proof):

**S. 573.** Relating to Dekalb County; authorizing and requiring

the county commission to redefine the several county commission districts within the county decennially so that such redefined districts will reapportion the population in such districts within a prescribed tolerance; providing that the county commission shall preclear such reapportionment plans with the United States Department of Justice and providing that the county commission shall implement such precleared commission district reapportionment plan based on the 1990 decennial census no later than one year from the effective date of this act.

By Senator Owens (With Notice and Proof):

**S. 607.** Relating to Chilton County; to provide that the probate judge shall provide for an additional method of ordering annual certificates of registration of boats by mail; to provide that the probate judge shall charge an additional fee to the boat owner for each such certificate issued by mail, and to provide for the disposition of such fees.

By Senator Sanders (With Notice and Proof):

**S. 647.** To alter, rearrange and extend the boundary lines and corporate limits of the town of Mosses in Lowndes County.

By Senator Little (With Notice and Proof):

**S. 657.** Relating to Tallapoosa County; providing for the mode of establishing the construction, maintenance and repair of public roads, highways, bridges and ferries under a modified county unit system; authorizing and requiring the county commission to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county commission in relation to the roads, bridges and ferries of Tallapoosa County; and specifically repealing Act No. 88-121, H. 437, 1988 Regular Session.

By Senator Ghee (With Notice and Proof):

**S. 580.** Relating to Calhoun County; to relieve the judge of probate from charging a fee when celebrating the rites of matrimony; and to provide that any such fee when charged by the judge of probate may be retained by him.

By Senator Lindsey (With Notice and Proof):

**S. 583.** Relating to Washington County; providing further for an expense allowance for members of the County Commission.

Senator Bolling, Chairperson of the Standing Committee on Consumer Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bolling:

**S. 558.** To amend Sections 24-5-31, 24-5-32 and 24-5-33 of the Code of Alabama 1975, relating to anchoring of mobile homes and manufactured buildings so as to provide further for anchoring such structures; and to provide further for penalties for violations.

By Senator Bolling:

**S. 559.** To amend Sections 24-6-3 and 24-6-4, Code of Alabama 1975, relating to the Alabama Manufactured Housing Commission, so as to further provide for the duties and remuneration of the commission; and to provide that no commissioner shall be liable for damages resulting from any act performed in carrying out his duties as a commissioner.

Senator Preuit, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Campbell (With Amendment):

**H. 389.** To amend Section 29-2-51 of the Code of Alabama 1975, relating to the permanent legislative committee on reapportionment so as to provide further for additional at-large members.

## RESOLUTIONS

Senator Hale offered the following Senate Joint Resolution, to-wit:

**SJR 119.** PROVIDING FOR THE ESTABLISHMENT OF THE ALABAMA COMMISSION ON AEROSPACE SCIENCE AND INDUSTRY.

WHEREAS, the state of Alabama has played an important role in aerospace science by being the location of federal aerospace science facilities, such as the NASA Marshall Space Flight Center, the Head-

quarters of the United States Army Missile Command, the United States Army Space Defense Command, Maxwell Air Force Base, Gunter Air Force Base, and the Army Aviation Center-Ft. Rucker; and

WHEREAS, many aerospace businesses located in the state of Alabama have made significant contributions to the advancement of aerospace research, development and commercialization; and

WHEREAS, the state of Alabama has dedicated substantial higher education resources to areas of research in aerospace engineering and related technological fields; and

WHEREAS, aerospace research, development and commercialization play an important economic role and bring substantial employment and educational opportunities; and

WHEREAS, the aerospace industry continues to be a high priority for the nation, and the state of Alabama is a major center of that activity and should assess what actions to take to continue to play a leading role in the aerospace science industry; and

WHEREAS, the legislature concurs with aerospace business representatives who recommend and request the formation of a statewide aerospace organization which will include representatives of aerospace business, state government, the state of Alabama's congressional delegation, and federal aerospace science facilities located in the state of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,  
BOTH HOUSES THEREOF CONCURRING, That

1. There is hereby established the Alabama Commission on Aerospace Science and Industry ("the Commission") consisting of the following members:

- a. The Governor or his designated representative.
- b. Two (2) members of the Governor's staff or cabinet to be appointed by the Governor.
- c. The Lieutenant Governor or his designated representative.
- d. Two (2) members of the Senate to be appointed by the Lieutenant Governor.

e. The Speaker of the House or his designated representative.

f. Two (2) members of the House of Representatives to be appointed by the Speaker of the House.

g. Eighteen (18) aerospace industry representatives to be appointed by the Governor.

h. Each United States Congressman and Senator representing the state of Alabama may appoint an ex-officio non-voting representative to the Commission.

i. Each federal aerospace science facility in the state of Alabama may appoint an ex-officio non-voting representative to the Commission.

2. The Governor shall appoint a Commission member as interim chairperson to facilitate the start-up activities of the Commission. The Commission will then select an ongoing chairperson. The chairperson shall be responsible for the organizational structure of the Commission. Commission members from the aerospace industry shall not receive compensation or reimbursement for their activities. Legislative members of the Commission shall receive their normal per diem allowances for attending meetings of the Commission with such allowances to be paid from the budget of the Alabama Department of Economic and Community Affairs. The Commission may receive input from and consult with such advisers or experts as it may deem appropriate.

3. Commission members shall serve for three (3) years from the date of enactment of this resolution. Vacancies shall be filled in the same manner as original appointments and persons appointed to positions created by a vacancy shall serve for the unexpired term only.

4. The Commission shall have the following duties:

a. To analyze the current and future status of the national and international aerospace industry, including types of programs and their economic impact upon the state of Alabama;

b. To analyze the state of Alabama's economic position within the aerospace industry, as well as the ability of the state of Alabama to maintain and develop educational training institutions to meet current and future aerospace workforce requirements;

c. To analyze and develop long-range business strategies for the state of Alabama designed to promote the development and expansion of future and existing aerospace industry facilities, including specific recommendations for the legislature and the Governor.

5. The Science, Technology, and Energy Division of the Alabama Department of Economic and Community Affairs (ADECA) shall provide administrative support to the Commission.

On motion of Senator Hale, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Waggoner offered the following Senate Joint Resolution, to-wit:

**SJR 120. RECOGNIZING THE BIRMINGHAM ASSOCIATION OF REALTORS.**

WHEREAS, the Birmingham Association of REALTORS, a professional trade association, was incorporated in 1911 in the City of Birmingham; and

WHEREAS, the Birmingham Association of REALTORS, while serving the needs of its members, also throughout its history has served to protect the rights of private property owners; and

WHEREAS, the Birmingham Association of REALTORS continues, through its Government Affairs program, to enhance the quality of life for the citizens of Alabama by pursuing legislation allowing affordable housing, first time home ownership, protection of property owners' rights, professional real estate services for consumers, equal opportunity in housing, and other laws and ordinances positively affecting the general public; and

WHEREAS, by these efforts, the Birmingham Association of REALTORS has been instrumental in helping many citizens of this state in attaining the American dream of home ownership; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize and commend the members of the Birmingham Association of REALTORS for their vigilant and unselfish efforts and for sacrifices in these endeavors to serve the public.

BE IT FURTHER RESOLVED, That the Birmingham Association of REALTORS be provided with a copy of this resolution of legislative recognition.

On motion of Senator Waggoner, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Foshee offered the following Senate Joint Resolution, to-wit:

**SJR 121. DECLARING THE LEGISLATIVE INTENT REGARDING THE PASSAGE OF ACT NO. 90-560.**

WHEREAS, the Legislature passed Act No. 90-560 at the 1990 Regular Session of the Legislature; and

WHEREAS, this act provided in its Section 1 as follows, viz: Section 1. Any circuit clerk who attains office by appointment, subsequent to the beginning of the term of office, shall be entitled to purchase prior service credit toward supernumerary status retroactively to the beginning of the term. Such prior service credit shall be made upon the conditions of Section 12-17-144, Code of Alabama 1975, as amended, being fulfilled; and

WHEREAS, it was the intent of the Legislature in referring to Section 12-17-144 of the Code of Alabama 1975, to use the provisions of said section solely to set forth the method and amount of the contribution that must be made by a supernumerary circuit clerk rather than set a specific date on which such a supernumerary circuit clerk must have been in office; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do declare and specify to any court or governmental agency interpreting the provisions of said Act No. 90-560, that it was the intent of the Legislature of the State of Alabama in referring to Section 12-17-144 of the Code of Alabama 1975, to use the provisions of said section solely to set forth the method and amount of the contribution that must be made by a supernumerary circuit clerk rather than set a specific date on which such a supernumerary circuit clerk must have been in office.

BE IT FURTHER RESOLVED, That any governmental agency or court shall receive this resolution as positive evidence of the Legislative Intent in passing said Act No. 90-560.

On motion of Senator Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Dixon offered the following Senate Joint Resolution, to-wit:

**SJR 122. COMMENDING HIS ROYAL HIGHNESS KHALED**

**BIN SULTAN BIN ABDULAZIZ OF SAUDI ARABIA.**

WHEREAS, it is a distinct honor and pleasure for the Legislature of Alabama to recognize His Royal Highness Prince Khaled Bin Sultan Bin Abdulaziz of Saudi Arabia, a former resident of Montgomery while attending the U. S. Air War College at Maxwell Air Force Base where he graduated with honors, and an alumnus of Auburn University at Montgomery where he received the Master's degree in political science in 1980; and

WHEREAS, His Royal Highness Lieutenant General Khaled Bin Sultan Bin Abdulaziz is the ranking officer of the Royal Saudi Armed Forces and was Commander of the Joint Arab Forces, as well as Co-commander of the Allied Forces during the Persian Gulf War which ended with the unconditional surrender of Iraq; and

WHEREAS, under the brilliant command of General Khaled, the Saudi troops contributed immeasurably to the allied victory, including a 36-hour attack and the first land battle fought by the Saudis in modern times which ended in the recapture of the town of Khafji from Iraqi control; and

WHEREAS, His Royal Highness Lieutenant General Khaled Bin Sultan Bin Abdulaziz has indeed enjoyed a brilliant military career and is the recipient of numerous military honors and decorations, including Saudi Arabia's King Faisal 4th Class Decoration, the Commandant Class Alawai Decoration from his Majesty, the King of Morocco, the Commandier de la Legion d'Honneur from the President of France, and the Legion of Merit from President George Bush; and

WHEREAS, in addition to his military duties, he is active in support of many charitable endeavors, giving generously to such causes in his homeland; he also provides funding for medical care and scholarships for individuals of various nationalities in Saudi Arabia, the United States and the United Kingdom, and has endowed the construction of hospital facilities and the establishment of the Khaled Bin Sultan Eminent Scholar Chair in political science at Auburn University; and

WHEREAS, Prince Khaled has many friends in Montgomery, in Alabama, and throughout the United States, and it is therefore with personal knowledge and through friendship that we speak highly of his many past accomplishments, and of those of the Saudi, United Arab and Allied Forces under his capable command; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,**



**BOTH HOUSES THEREOF CONCURRING**, That we hereby most highly commend His Royal Highness Lieutenant General Khaled Bin Sultan Bin Abdulaziz of Saudi Arabia and do further direct that he receive a copy of this resolution, executed in sincere friendship and warmest personal regard.

**BE IT FURTHER RESOLVED**, That copies of this resolution also be sent to His Royal Highness King Fahd, the Kingdom of Saudi Arabia, and to His Royal Highness Prince Bandar, Ambassador to the United States.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Dixon, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom offered the following Senate Joint Resolution, to-wit:

**SJR 123. HONORING W. EARLE RILEY, M.D. OF BIRMINGHAM, ALABAMA FOR DISTINGUISHED SERVICE TO THE PUBLIC HEALTH AND WELFARE AND TO THE MEDICAL PROFESSION OF THIS STATE.**

**WHEREAS**, the Alabama Legislature notes with highest commendation and esteem the numerous and notable accomplishments of W. Earle Riley, M.D. of Birmingham, Alabama in service to his profession, to his community, and to all citizens of the State of Alabama; and

**WHEREAS**, Dr. Riley received his medical education and training in Alabama and, after distinguished service with the United States Air Force, returned to the active practice of medicine and surgery at Lloyd Noland Hospital, Fairfield, Alabama; and

**WHEREAS**, Dr. Riley has served the state and his profession with distinction at the county, state, and national level in numerous and varied positions of great responsibility including membership on the Board of Censors of the Medical Association of the State of Alabama, the State Board of Medical Examiners, the State Committee of Public Health, and service as a Delegate from the State of Alabama to the American Medical Association, most recently completing six (6) years of distinguished service as Chairman of the Board of Censors, the State Committee of Public Health, and the State Board of Medical Examiners; and

WHEREAS, medical education in the State of Alabama has benefited immeasurably from the dedicated service of Dr. Riley on the Admissions Committee of the Medical School of the University of Alabama and as Chairman of the Alabama Board of Medical Scholarships Awards; and

WHEREAS, Dr. Riley's splendid record of accomplishment and dedicated service to his state and to his community reflects the highest credit upon him and upon the medical profession; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his outstanding record of accomplishment and contribution to the medical profession and to the public health and welfare of citizens of the State of Alabama, we hereby most highly commend W. Earle Riley, M.D., to whom a copy of this Resolution of sincere praise and esteem, shall be presented.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

### REPORT FROM RULES

Senator Preuit, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**HJR 169. COMMENDING THE LAUDERDALE COUNTY HIGH SCHOOL GIRLS BASKETBALL TEAM AS THE 1991 STATE 3A GIRLS CHAMPIONS.**

And on motion of Senator Foshee, said Resolution, HJR 169, was concurred in and adopted by the Senate.

### RESOLUTIONS

Senator Bedsole offered the following Senate Joint Resolution, to-wit:

**SJR 124. COMMENDING COMMUNITY INTENSIVE TREATMENT FOR YOUTH (C.I.T.Y.) ON ITS ACHIEVEMENT AT THE NATIONAL LEVEL.**

WHEREAS, it is with great pride and pleasure that the Legislature

of Alabama congratulates Community Intensive Treatment for Youth (C.I.T.Y.), Birmingham, on the recent national recognition accorded its nonresidential program for adjudicated youth; and

WHEREAS, in a report prepared for the National Governors' Association, the C.I.T.Y. program was one of five community-based programs in the country described as an exemplary and innovative approach to program design and coordination of services that could be adapted in other communities to meet the diverse needs of delinquent youth; and

WHEREAS, the C.I.T.Y. program, based in Jefferson, Madison, Mobile, Montgomery, Etowah and Tuscaloosa Counties, was selected by a review board's consideration of stringent criteria and its determination that the program was a community-based alternative to incarceration for juvenile offenders, and also fully met requirements related to goals and objectives, cost and effectiveness, sources of funding, comprehensive delivery service, collaboration with community agencies and the inclusion of clients' families in service provided; and

WHEREAS, the C.I.T.Y. program, which serves youth referred by the courts, is funded by the federal Job Training Partnership Act and the Alabama Department of Youth Services, with 1990-91 contributions from each source providing 34 percent and 66 percent, respectively; civic groups contribute resources to programs in their areas, while social service and other agencies, as well as county health centers, also contribute to the provision of comprehensive care for problem youth; and

WHEREAS, recent data clearly shows evidence of positive outcomes for C.I.T.Y. youth, and this nationally acclaimed program, which has had and continues to receive the full support of Governor Guy Hunt, has brought widespread recognition to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in acknowledgement of accomplishment and gratitude for service, we hereby most highly commend Community Intensive Treatment for Youth, and do further direct that a copy of this resolution be forwarded to Mr. Ed Earnest, Executive Director of C.I.T.Y.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bedsole and Lindsey offered the following Senate Joint Resolution, to-wit:

**SJR 125. COMMENDING MR. GARY FORTENBERRY OF CHOCTAW COUNTY, ALABAMA, ON HIS SELECTION AS SOUTHERN REGION TREE FARMER OF THE YEAR.**

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama congratulates Mr. Gary Fortenberry of Choctaw County, Alabama, on his selection as Southern Region Tree Farmer of the Year, which has been awarded twice during its existence to a fellow Alabamian; and

WHEREAS, Mr. Fortenberry is a tree farmer, but, more importantly, he is a true steward of the land, preaching---and planting---permanence and, wherever possible, striving to improve whatever he finds; and

WHEREAS, he is a member of the board of directors for the Choctaw County Farmers Federation, believing in providing permanent food and shelter for wildlife; and

WHEREAS, Mr. Fortenberry has faithfully followed providing permanent food and shelter for wildlife on his 1,140 acres in West Alabama's Choctaw and Sumter Counties; and

WHEREAS, he is a supervisor with Dan River Mills when he's not planting trees, and was the first farmer in the area to plant food plots specifically for wildlife; and

WHEREAS, Mr. Fortenberry was the first in Choctaw County to seek assistance in managing his deer herd through the Department of Conservation's Deer Management Program; and

WHEREAS, Mr. Fortenberry's property was designated a Treasure Forest in 1980, the third such forest to receive such designation in Choctaw County; he is a recipient of the 1989 Helene Mosely Memorial State Treasure Forest Award and the 1990 State Tree Farmer Award which is deserving of highest praise for the distinction he has brought upon his community and the State of Alabama; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby most highly commend Mr. Gary Fortenberry of Choctaw County, Alabama, on his selection as Southern Region Tree Farmer of the Year, and do further provide that he receive a copy of this resolution of sincere admiration and esteem.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Windom offered the following Senate Joint Resolution, to-wit:

**SJR 126. MOURNING THE DEATH OF MATTHEW HALL, JR., OF THEODORE, ALABAMA.**

WHEREAS, the Legislature of Alabama grievously records the tragic and untimely death of Matthew Hall, Jr., on May 3, 1991, at the age of just 18 years; and

WHEREAS, Matthew Hall, was an intelligent and capable young man facing a bright and promising future; and

WHEREAS, he was an outstanding student-athlete at Theodore High School where he was a member of the varsity baseball team as a freshman, starting shortstop as a sophomore, All-Conference as a junior and, as a senior, among other honors, was posthumously named to the All-Conference Team and selected to "Super 25" as one of the top 25 players in Mobile County; and

WHEREAS, a two-year letterman in football, Matt Hall was All-Area I Quarterback (1990), Creighton Optimist Player of the Week (1990), alternate placekicker on Ala/Miss All-Star selection, and completed the 1990 season with 13 touchdown passes, over 1300 yards passing and three interceptions; and

WHEREAS, also, in extracurricular involvement and accomplishments, he was a member of his school's SADD Chapter, Homework Club and the Theodorian Staff, and was a Student Council Representative and Class Favorite; and

WHEREAS, Matthew Hall, Jr., was indeed an exemplary young man whose outstanding talent and ability were greatly admired by his many friends and classmates, and his tragic death has left an unfathomable void in their lives and hearts; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we grievously mourn the death of Matthew Hall, Jr., of Theodore, Alabama, and extend deepest sympathy to his family, whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

On motion of Senator Windom, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Parsons offered the following Senate Joint Resolution, to-wit:

**SJR 127. URGING THE ADJUTANT GENERAL OF THE ALABAMA NATIONAL GUARD TO DEPLOY THE ALABAMA NATIONAL GUARD TROOPS FOR WEEKEND TRAINING EXERCISES IN CERTAIN DRUG-INFESTED AND HIGH CRIME AREAS OF BIRMINGHAM, ALABAMA.**

WHEREAS, the Alabama Legislature is alarmed at the high rate of drug-related crimes in and around certain Birmingham housing projects and innocent residents are living a ghetto existence in constant fear of their personal safety and the security of their families and possessions; and

WHEREAS, the national crime index places the City of Birmingham among the highest in the nation for murder, burglary and other drug-related crimes and our citizens living in those drug-infested housing projects are terrorized daily; and

WHEREAS, the mere presence of Alabama National Guard troops, in training on the premises of these housing projects where drug trafficking and related crimes are out of control, would be a strong deterrent and show of force to protect the innocent residents of such projects and in the surrounding neighborhoods; the national guard troops are trained to quell riots without the use of weapons and thus, lives could be saved; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby urge Major General Ivan F. Smith, Adjutant General of the Alabama National Guard, to forthwith deploy the Alabama National Guard troops to the various drug-infested housing projects in the areas of high crime in Birmingham, Alabama, to hold their weekend training exercises; we urge that the major general instruct his troops to refrain from police action with live ammunition but to act as a show of force and positive influence in the lives of the residents and children and at the same time, be a strong deterrent to drug kingpins, drug trafficking and related crimes in the housing projects and neighborhoods.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Major General Ivan F. Smith, Mayor Richard Arrington and to Governor Guy Hunt for expeditious implementation.

Which was read and referred to the Standing Committee on Rules.

Senator Parsons then offered the following Senate Joint Resolution, to-wit:

**SJR 128. DIRECTING THE RETIREMENT SYSTEMS OF ALABAMA TO EXTEND ALL VETERAN RIGHTS TO VETERANS OF THE MERCHANT MARINE.**

WHEREAS, the Alabama Legislature and this state have long recognized the courageous veterans of the armed forces who have served our nation in war and peace with honor and distinction; and

WHEREAS, the Alabama Legislature notes with pride the storied and glorious history of this country's Merchant Marine, a history which began with the birth of our nation; and

WHEREAS, the U. S. Congress in Public Law 95-202 provided that American Merchant Marines in oceangoing service during the period of armed conflict, December 7, 1941, to August 15, 1945, were entitled to receive discharge certificates from the Armed Forces and accordingly entitled to veteran status and to Veterans Administration benefits; and

WHEREAS, this body declares that it was the intent of the legislature in adopting legislation regarding the retirement systems of Alabama that all persons who may be considered as possessing veteran status shall be equally entitled to all benefits granted to former members of the armed forces; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature directs the Retirement Systems of Alabama to grant, extend and provide to persons who served in the Merchant Marine all benefits, rights and privileges that are granted, extended and provided to all other members of the retirement systems who possess military service time in the armed forces of the United States, including but not limited to, the right and privilege to acquire membership service credit for the period of service time in the Merchant Marine.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Boards of Control of the Retirement Systems of Alabama so that said boards may know of our directives and intentions.

Which was read and referred to the Standing Committee on Rules.

**REPORTS FROM CONFIRMATIONS**

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Whit Armstrong to the State Ethics Commission

On motion of Senator Foshee, the appointment of Mr. Armstrong was confirmed by the Senate.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Preuitt, Smith (J), Wilson, and Windom -23

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Promotion of Brigadier General Larry E. Lee to the rank of Major General in the Army National Guard

On motion of Senator Foshee, the promotion of Brigadier General Lee was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Hale, Hilliard, Horn, Langford, Lindsey, Little, Mitchell, Parsons, Preuitt, Smith (J), Waggoner, and Windom -25

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Promotion of Brigadier General James E. Moore to the rank of Major General in the Army National Guard

On motion of Senator Dial, the promotion of Brigadier General Moore was confirmed by the Senate.



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Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Hale, Hilliard, Horn, Langford, Lindsey, Little, Mitchell, Parsons, Preuit, Smith (J), Waggoner, and Windom  
-25

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Promotion of Colonel Lonnie J. Slauson, Jr., to the rank of Brigadier General in the Assistant Adjutant General, Air Headquarters, Alabama Air National Guard

On motion of Senator Dial, the promotion of Colonel Slauson was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Hale, Hilliard, Horn, Langford, Lindsey, Little, Mitchell, Parsons, Preuit, Smith (J), Waggoner, and Windom  
-25

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Dr. Henry J. Hector as Executive Director of the Alabama Commission on Higher Education

On motion of Senator Ellis, the Rules were suspended and further consideration of the appointment of Dr. Hector was postponed subject to the call of the Chair.

Senator Foshee, Chairperson of the Standing Committee on

Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Promotion of Colonel Gerald O. Dial to the rank of Brigadier General in the Army National Guard

On motion of Senator Foshee, the promotion of Colonel Dial was confirmed by the Senate.

Yeas 29 Nays 0  
Abstaining 1

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Preuit, Smith (J), Waggoner, and Windom -29

Nays: - 0

Abstaining: Senator Dial - 1

### REPORT FROM RULES

Senator Preuit, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**HJR 124. COMMENDING T. C. BRITTON, JR., FOR DISTINGUISHED SERVICE TO THE STUDENTS AND SCHOOLS OF LEE COUNTY, ALABAMA.**

And on motion of Senator Little, said Resolution, HJR 124, was concurred in and adopted by the Senate.

### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senators Dixon and Corbett:

**S. 660.** To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1992.

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Committee on Finance  
and Taxation

By Senator Horn:

**S. 661.** To amend Section 16-17-1, Code of Alabama 1975, which defines certain terms relating to educational building authorities, so as to include public nonprofit corporations promoting educational television within the definition of "educational institution" and to expand the definitions of "construct" and "ancillary improvements."

Committee on Education

By Senators Ellis and Owens (With Notice and Proof):

**S. 662.** Relating to Bibb County; authorizing the levy in such county of an additional tax, paralleling the state sales tax provided for in article 1 of chapter 23 of Title 40 of the Code of Alabama 1975, as amended; providing for certain exemptions; providing for the collection of such tax by the state department of revenue, and for the distribution and use of the proceeds thereof; providing for the enforcement of the act; providing penalties for violations of the act; and providing for an effective date.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 662, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Waggoner:

**S. 663.** To create the Alabama Home Health Care Licensure Act; to provide for the Alabama State Board for Home Health; to prescribe the method of appointment of members; to provide for its duties; to provide an appropriation; to provide for licensing qualifications, renewals and revocation, exemption fees and penalties; to authorize the board to promulgate the minimum rules and regulations to ensure the quality of health care provided to the recipients of home health services; and to provide for penalties for violations.

Committee on Health

By Senators Owens and Ellis (With Notice and Proof):

**S. 664.** Relating to Bibb County; providing for the mode of construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Bibb County; prohibiting the performance of certain work on private property and providing civil fines for violations; and providing for this bill to become effective on October 1, 1991.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 664, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Waggoner:

**S. 665.** To amend Section 34-15A-4, Code of Alabama 1975, relating to examination fees for interior designers, so as to increase such fees.

Committee on Finance  
and Taxation

By Senator Ellis (With Notice and Proof):

**S. 666.** Relating to the Eighteenth Judicial Circuit of Alabama; to amend Act No. 79-523, H. 426, 1979 Regular Session, so as to provide an increase in expense allowance for each official reporter within the said judicial circuit.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 666, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

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By Senator Ellis (With Notice and Proof):

**S. 667.** Relating to Shelby County, amending Section 1 of Act No. 191, H. 525, 1971 Regular Session, which provides a special expense allowance of \$2,400.00 per annum for the presiding circuit judge of the Eighteenth Judicial Circuit above that of the other Circuit Judges, said allowance also being outside the current \$15,000.00 expense allowance for each Circuit Judge, so as to provide that such \$2,400.00 may be received by the presiding judge's confidential employee at his designation.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 667, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Ellis and Owens (With Notice and Proof):

**S. 668.** Relating to Bibb County; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing those procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 668, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator deGraffenried:

**S. 669.** To amend Section 40-17-38 of the Code of Alabama 1975, as amended, relating to discounts of certain distributors, refiners, storers or wholesalers of gasoline, by increasing the maximum amount of distributor discount allowed to refiners, storers, distributors or wholesalers, as defined by Section 40-17-30.

## Committee on Public Welfare

By Senators Hilliard and Horn:

**S. 670.** Proposing an amendment to the Constitution of Alabama of 1901, creating the Alabama Stadium and Exposition District, defining its boundaries, objects, purposes, powers, duties and authority; and providing for the construction, financing, maintenance and operation of the facilities of said District and the administration and government thereof.

Committee on Constitution  
and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senators Corbett and Dixon:

**S. 671.** To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1992.

Committee on Finance  
and Taxation

By Senator Foshee (With Notice and Proof):

**S. 672.** Relating to the City of Opp in Covington County; authorizing an additional ad valorem tax to be used for the general educational purposes and providing for a referendum.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 672, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Barron and Campbell:

**S. 673.** To require, in certain cases, the state to furnish transportation for vested state personnel in order to staff state offices which

are relocated to an area which will require the employee to commute 45 miles or more one way, to and from the new work location.

Committee on Governmental  
Affairs/State Administration

By Senator Figures (With Notice and Proof):

**S. 674.** Relating to Mobile County; to provide an annual supplemental salary of \$7,500.00 to the revenue commissioner, effective October 1, 1991, which shall be provided in lieu of any local salary, expense allowance, per diem, or other compensation previously provided by local law to said official; and prorating such supplemental salary from various funds.

Committee on Local  
Legislation No. 3

I hereby certify that the notice and proof is attached to the Bill, SB 674, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Sanders:

**S. 675.** To provide for an appropriation from the Alabama Special Educational Trust Fund to the Dallas County Board of Education (Salem Elementary School) for the fiscal year ending September 30, 1992.

Committee on Finance  
and Taxation

By Senator Figures (With Notice and Proof):

**S. 676.** Relating to Mobile County; to provide an annual supplemental salary of \$7,500.00 to the license commissioner, effective upon the expiration of the current term of office, which shall be provided in lieu of any local salary, expense allowance, per diem, or other compensation previously provided by local law to said official; and prorating such supplemental salary from various funds.

Committee on Local  
Legislation No. 3

I hereby certify that the notice and proof is attached to the Bill, SB 676, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Sanders:

**S. 677.** To define the misdemeanor crime of stalking; to prescribe penalties upon conviction and criminal procedure relating to the release on personal recognizance and exceptions; to prescribe the criteria for release at the time of arraignment and the use or possession of firearms; to provide for cumulative effect to any other law relating to crimes and offenses, punishment, harassment, menacing, threat of bodily injury or bodily harm or death.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Campbell:

**S. 678.** To require the state or an agency, department or entity of the state to employ a consultant or a consultant firm whose principal place of business is within the state, if such consulting services are necessary; to provide certain exceptions to said requirement; to require the filing of an affidavit with certain legislative committees when said requirement is not fulfilled; and to provide that contracts not meeting the requirements of this act are void ab initio and the person wrongfully entering into said contract will be personally liable for civil damages which may accrue.

Committee on Governmental  
Affairs/State Administration

By Senator Campbell:

**S. 679.** To further amend Section 1 of Act No. 600, H. 1134, 1977 Regular Session (Acts 1977, p. 805), which provides for pay increases for certain law enforcement officers of state agencies, so as to provide further compensation for security and safety officers of the department of mental health, effective October 1, 1991.

Committee on Finance  
and Taxation



By Senator Horn:

**S. 680.** To make a supplemental appropriation to the Departmental Emergency Fund in the amount of \$1,287,714 from the State General Fund for the fiscal year ending September 30, 1991.

Committee on Finance  
and Taxation

By Senators Bennett and Dial:

**S. 681.** To amend Section 16-52-3, Code of Alabama 1975, relating to the board of trustees for Jacksonville State University, so as to add one member to be appointed from the state-at-large.

Committee on Education

By Senator Bedsole (With Notice and Proof):

**S. 682.** Relating to the compensation of the constables in Mobile County, Alabama, and service fees.

Committee on Local  
Legislation No. 3

I hereby certify that the notice and proof is attached to the Bill, SB 682, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Bedsole (With Notice and Proof):

**S. 683.** Relating to the office of constable in Mobile County; providing for the duties of such office; prohibiting certain officers from bearing any firearms or weapons in the performance of the duties as constable.

Committee on Local  
Legislation No. 3

I hereby certify that the notice and proof is attached to the Bill, SB 683, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Bedsole (With Notice and Proof):

**S. 684.** Relating to Class 2 municipalities; to exempt such municipalities from the payment of any and all oil, gasoline and diesel fuel taxes of any nature whatsoever.

Committee on Local  
Legislation No. 3

I hereby certify that the notice and proof is attached to the Bill, SB 684, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Little and Dial:

**S. 685.** To amend Section 5-14A-3, Code of Alabama 1975, which provides for the Alabama Regional Reciprocal Savings Institutions Act, so as to provide further for the operation of branch offices by southern regional savings institutions.

Committee on Banking  
and Insurance

By Senator Bennett:

**S. 686.** To propose an amendment to the Constitution of Alabama of 1901, to exempt school taxes up to 30 mills per dollar of assessed value from constitutional requirements of subsection (f) of Section 217 of this Constitution, as amended by Amendment No. 373, related to holding referendum elections and legislative approval of increases in such taxes.

Committee on Constitution  
and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senator Mitchell:

**S. 687.** To provide that any elected county official participating in the Employees' Retirement System as a member thereof may, prior to January 1, 1992, elect to cease membership in said system; and to

provide that in the event of the making of such election, such official's right to receive benefits otherwise under said system shall not be affected.

Committee on Governmental  
Affairs/State Administration

By Senator Horn (With Notice and Proof):

**S. 688.** Relating to the Board of Education of the City of Birmingham, Jefferson County, Alabama; providing for an increase in the membership to nine members and for the election of the members of the city board of education from the single-member districts as established for election of members of the council of said city.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 688, as required in the General Acts of Alabama, 1975, Act No. 919.

MCDOWELL LEE,  
Secretary.

By Senator Horn:

**S. 689.** To amend Section 16-11-2 of the Code of Alabama 1975, relating to city boards of education so as to provide further for election of said boards under authority of a local law and to provide further for members of said boards.

Committee on Education

By Senator Hilliard:

**S. 690.** To amend Section 41-16-123, Code of Alabama 1975, relating to the sale of certain surplus state property, so as to provide for an exemption for personal property items of the Parks Division of the Department of Conservation and Natural Resources.

Committee on Governmental  
Affairs/State Administration

By Senator Hilliard:

**S. 691.** To amend Section 27-8-10, Code of Alabama 1975, so

as to reduce the waiting period for a person who has failed to pass two examinations for licensing as a life or disability insurance agent; to reduce said waiting period for a person being examined for licensing as a property and casualty agent pursuant to Section 27-7-10, Code of Alabama 1975; and to expressly repeal Section 27-7-16, Code of Alabama 1975.

Committee on Banking  
and Insurance

By Senator Hilliard:

**S. 692.** To provide for the waiver of customer charges imposed by certain utility services for households where at least one member residing therein receives Supplemental Security Income, or Aid to Dependent Children.

Committee on Commerce,  
Transportation and Utilities

By Senator Smith (J) (With Notice and Proof):

**S. 693.** Relating to Madison County; prescribing the salaries of the chairman and the members of the Madison County Commission and abolishing annual expense allowances.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 693, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Horn:

**S. 694.** To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1992.

Committee on Finance  
and Taxation

By Senator Wilson (With Notice and Proof):

**S. 695.** Relating to supernumerary district attorneys of the

fourteenth (14th) judicial circuit; to provide a salary supplement equal to the salary supplement paid to supernumerary district attorneys of the tenth (10th) judicial circuit.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 695, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Wilson:

**S. 696.** To amend Sections 13A-9-70, 13A-9-71, 13A-9-72 and 13A-9-76, Code of Alabama 1975, relating to charitable fraud, so as to provide further for definitions; to provide for the registration of charitable organizations with the secretary of state and to require a registration fee and bond for certain organizations and persons; to provide for the filing by charitable organizations of an annual written financial report and the filing of all contracts between charitable organizations and professional fund raisers or commercial co-venturers; to designate the secretary of state as agent for service of process for non-resident charitable organizations and professional fund raisers; and to clarify the civil remedies available to the attorney general, the district attorneys or an affected charitable organization through injunction, mandamus or other appropriate civil remedy.

Committee on Judiciary/Civil

By Senator Waggoner:

**S. 697.** To amend Section 12-18-6, Code of Alabama 1975, as amended, relating to eligibility for retirement of justices of the supreme court, judges of courts of appeals and judges of circuit courts, so as to further provide therefor.

Committee on Finance  
and Taxation

By Senator Wilson (With Notice and Proof):

**S. 698.** Relating to Walker County and the 14th Judicial Circuit, to levy certain additional costs and charges of court, to provide

said costs and charges shall be placed in a special hazardous duty pay fund, to provide hazardous duty pay for certain deputy sheriffs and jailers, to authorize the county commission to increase the amount of hazardous duty payments, and to provide for implementation of this act.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 698, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Preuitt, Smith (B), Smith (J), Owens, Lindsey, and  
Bedsole:

**S. 699.** To amend Section 22-21-265 of the Code of Alabama 1975, relating to certificate of need requirements for new health services and facilities, so as to exempt home health care services from such requirements.

Committee on Health

By Senator Wilson (With Notice and Proof):

**S. 700.** To alter, rearrange and extend the boundary lines of the City of Sumiton in Walker County, Alabama.

Committee on Governmental  
Affairs/Local Government

I hereby certify that the notice and proof is attached to the Bill, SB 700, as required in the General Acts of Alabama, 1975, Act No. 919.

McDowell Lee,  
Secretary

### FURTHER CONSIDERATION OF HB 135

The Senate proceeded to further consideration of the Bill:

**H. 135.** To amend Section 1-3-8 of the Code of Alabama 1975 relating to the legal holidays in this state; to provide that National Memorial Day shall be a legal holiday in this state; to provide that

Columbus Day shall be observed as a state holiday but will not cause state offices to close; to provide that Thomas Jefferson's birthday shall be observed in conjunction with George Washington's birthday; to provide further for the observance of Mardi Gras in this state; and to provide for personal leave days for state employees in lieu of certain holidays.

and pending Mitchell substitute, which said substitute is set out in the Journal of Senate for the Twelfth Legislative Day.

And said substitute was then adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Preuitt, Waggoner, Wilson, and Windom -24

Nays: - 0

And said Bill, HB 135, as amended by the substitute, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Mitchell, Preuitt, Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

#### **FURTHER CONSIDERATION OF SB 459**

The Senate proceeded to further consideration of the Bill:

**S. 459.** Relating to public education in Alabama; to provide for the "Alabama Education Reform Act of 1991"; to establish goals for the improvement of public education in the State of Alabama and to assign certain mandates to the state board of education; to make legislative statements as to intent; to direct the state board of education (the board) to develop standards for a high school graduate and to establish a basic core curriculum for all students with a renewed emphasis on the teach-

ing of English, social studies, mathematics, science and technology skills; to provide for an expanded supplemental curriculum; to eliminate the social promotion of students thus strengthening the promotion and retention standards required of all local school systems; to provide for the assessment of student performance; to provide for the adoption of a performance-based system of school accreditation; to strengthen the role of the state superintendent of education (the superintendent) in the determination and assistance offered to schools that are deemed to be academically and/or financially bankrupt; to require the strengthening of the Alabama high school graduation exam and maximize the use of technology for students; to expand educational choices for parents and students; to require the board to develop a pilot program for students at-risk and implement plans to reduce the dropout rate; to meet the national goals in early childhood development and require the development of an incentive program for innovation in schools; to provide for safe and drug-free schools along with mandatory and enforceable attendance policies; to establish a standards on excellence commission and authorize the voluntary development of year-round schools; to provide for the restructuring and financial tracking of local schools; to establish priorities for meeting the national goal in adult literacy; to establish goals for the lengthening of the school year and employees' salaries; to create a professional teachers standards commission to select or develop an entry level test for teachers and review standards for the teaching profession; to strengthen teacher preparation programs and expand alternative certification for teachers; to establish teacher/mentor programs for first year teachers and expand the mission of the Alabama regional in-service centers; to strengthen the evaluation plan and professional development for administrators and supervisory personnel; to change the fiscal year beginning July 1, 1995; to further require that all matters relating to curriculum be adopted by the board and to repeal existing laws.

and pending Bailey amendment to the Bennett substitute, which said amendment and substitute are set out in the Journal of the Senate for the Twenty-First Legislative Day.

On motion of Senator Bailey, said amendment was laid on the table.

On motion of Senator Bennett, said substitute was laid on the table.

Senator Bennett then offered the following substitute No. 2, for the Bill, SB 459, to-wit:



**SUBSTITUTE NO. 2 FOR SB 459**

**A B I L L  
T O B E E N T I T L E D  
A N A C T**

To give the act a title; to enumerate the goals of this act; to amend section 16-23-3, Code of Alabama 1975, to require the state board of education to adopt policies authorizing under certain circumstances alternative certificates to be issued regardless of whether the recipient is a graduate of an approved teacher program; to provide that persons receiving alternative certificates for three consecutive years may under certain circumstances be granted a teaching certificate pursuant to section 16-23-1, Code of Alabama 1975, and become eligible for continuing service status; to provide for emergency certificates; to provide that time served pursuant to an alternative certificate shall be counted in determining continuing service status; to amend sections 16-3-16, 16-23-14, and 16-23-15, Code of Alabama 1975, consistent with Chapter 23 of Title 16, Code of Alabama 1975, as amended; to establish a Professional Teachers Standards Commission and to provide for the designation or development of an entry-level pre-certification examination for teacher candidates in Alabama; to amend section 16-3-15, Code of Alabama 1975, by defining "required courses" and "elective courses" and by requiring the state board of education to mandate certain required courses for grades 9 through 12 in public schools beginning with students entering the 9th grade in the 1992-93 academic year, and by authorizing the state board of education to approve elective courses in public schools, and by providing that in the event a city or county board of education has met certain specified conditions then such local board may approve elective courses in addition to the required courses set forth and elective courses approved by the state board of education, provided, however, that if a local board approves an elective course previously approved by the state board of education then the local board is required to use any course content approved by the state board of education for such elective, and by providing that in the event a city or county board of education has not met certain specified conditions then such local board shall offer only elective courses approved by the state board of education, and by providing that the state board of education shall adopt policies, procedures, rules, regulations, and/or standards to require that certain courses must be taken and successfully passed by every student enrolled in grades 9 through 12 of public schools prior to receipt of a diploma, phased in beginning with students entering the 9th grade in the 1992-93 academic year, providing, however, for students identified as eligible for special education services, and by providing that the state board of education shall adopt policies, procedures, rules, regulations,

and/or standards to require that a certain number of elective courses must be successfully passed by a student in grades 9 through 12 of public schools prior to such student's graduation or receipt of a diploma, phased in beginning with students entering the 9th grade in the 1992-93 academic year, by providing that the state board of education shall adopt other provisions necessary to fully implement this section so long as such provisions are consistent with all requirements, restrictions, definitions, and limitations of this section, and by providing that the state board of education shall require that certain courses be taught in grades one through eight in all public schools, phased in beginning with students entering grades one through eight in the 1992-93 academic year, and by providing that the state board of education shall adopt necessary policies, procedures, rules, regulations and/or standards to encourage college and university departments of education to review existing educational programs to ensure that prospective teachers are properly prepared; to amend section 16-35-1, Code of Alabama 1975, as amended, by expanding the courses of study committee; to repeal sections 16-40-1, 16-40-2, 16-40-3, 16-40-4, 16-40-5.1, 16-40-5.2, 16-40-5.3, 16-40-5.4, 16-40-6, 16-40-7 and 16-40-8, Code of Alabama 1975, effective August 1, 1992; to require the state board of education to adopt learner outcomes defining what students must know to compete nationally and internationally; to require the state board of education policies to require mechanisms to receive feedback from higher education institutions and the business community; to require the state board of education to eliminate social promotion of students by strengthening promotion and retention standards required of all local school systems; to require local boards of education to provide counseling, tutorial assistance, and remediation when necessary to ensure that students are literate in the skills identified in the required courses of study and have achieved standards of the grade level of learning on course content; to direct to the state board of education to establish a performance-based accreditation system for all city and county school systems and all public schools to supplement the existing accreditation system; to direct the state board of education to establish specific guidelines and minimum performance levels which reflect the standards required for accreditation and to identify certain standards required for accreditation, which standards shall include a measurement of the academic performance of each school and school system and shall be directly linked with the student assessment program as provided for in this act; to provide that such accreditation standards shall include minimum requirements for science instructors; to require each city or county school system to submit to the state board of education information as may be required to determine its accreditation status; to provide a means of classifying schools and school systems as excellent, satisfactory or probationary, and providing further for an annual report to be known as the "Report Card on Our Schools

and School Systems"; to require non-accredited and accredited probationary city or county school systems to develop education improvement plans subject to the approval of the state superintendent of education and designed to cause such school system and each public school to meet standards and minimum performance required for accreditation; to establish a procedure for any member of the public to lodge a complaint against any school or school system if the complaining person has reason to believe such school or school system is falling below the minimum performance standards established herein; to allow the state superintendent of education to intervene in the operation of a non-accredited school system temporarily in the event that such board fails to implement an education improvement plan or is unable or unwilling to meet the standards and minimum performance levels to be accredited; to provide for a lengthened school term of 179 actual teaching days, phased in with one additional teaching day annually from 1992 through 1996; to provide that any employee required to work an additional day or days shall be compensated with a corresponding additional day or days' pay in addition to any cost of living adjustment; to create the Alabama Council on Family and Children for the purpose of coordinating services supporting early childhood development and family involvement in education, to specify the membership of the council, to direct the Alabama Council on Family and Children to submit to the Governor and the legislature recommendations concerning the federally sponsored Head Start Programs and state-sponsored Head Start type programs, including pilot testing thereof, to establish criteria for recognizing preschool students in need of readiness skills and the development of summer programs to aid such students, and to direct the Alabama Council on Family and Children to recommend programs of instruction in professional development for public school instructors, teachers and administrators involved in early childhood development; to amend section 16-28-4, Code of Alabama 1975, to provide that before a child may be admitted to the first grade in the public schools such child must have completed one year of kindergarten in either public, private or church school kindergarten; to define "schools of choice" and "school system," to authorize county and city boards of education to implement a Schools of Choice plan for use within their respective school systems consistent with federal and state constitutional, statutory, and administrative provisions of law, including applicable federal or state court orders including but not limited to all applicable federal court desegregation orders, where such plan is adopted by either a resolution of the respective city or county board, or a majority of voters within a particular jurisdiction at a referendum called by a resolution of the respective county or city board of education and held in accordance with special election laws, to require city and county boards to report to the state superintendent and certify compliance of local Schools of Choice plans

with applicable federal or state court orders including but not limited to all applicable federal court desegregation orders, and applicable federal and state constitutional, statutory, and administrative provisions of law, to require the state superintendent to submit an annual Schools of Choice report to the state board of education; to require the state board of education to adopt a program to implement a complete, valid and reliable assessment of student achievement in the core curriculum courses for students, and to correlate the results of such tests with the development of promotion and retention standards as required by this act; to include as part of the assessment certain mandatory student examinations; to require the state board of education to develop and implement an aptitude assessment program; to direct the state board of education to establish a goal of increasing the scale score for passing the Alabama High School Graduation Exam over the next three scholastic years beginning with the exam to be given in the fall of 1992, and direct the state board of education to continually revise the Alabama High School Graduation Exam to ensure that said exam measures the skills and knowledge expected of high school graduates; to provide that all students who participate in work-related programs requiring those students to leave school for more than one instructional period during their regular school day shall have met or exceeded the minimum acceptable level of performance in a test of basic skills; to require the state board of education to adopt a mandatory and enforceable attendance policy for all students, which policy shall recognize that it is the responsibility of every parent or guardian to ensure his/her child is regular in public, private, or church-school school attendance, and parents shall be held accountable for the failure of the child who is of compulsory attendance age to attend; to provide for increased utilization of advanced technology in Alabama public schools and teacher training programs; to establish a Council on Adult Education and specify the membership thereof, which will develop long-range recommendations and an inventory of adult education programs and report to the 1992 regular session of the legislature; to provide the Council on Adult Education with support staff provided by the Alabama department of postsecondary education and the state department of education; to require, each public school instructor, teacher, supervisor or administrator to complete a minimum of twelve-clock hours of approved instruction in professional development beginning with the 1992-93 school year; to require the Alabama state board of education to provide courses of instruction in professional development and to specify certain subjects which must be offered; to require any public school instructor, teacher, supervisor or administrator who fails to earn twelve-clock hours of professional development credits by June 15 to submit a plan for making up the deficiency; to require the local superintendent of education to monitor compliance with the minimum credit hours requirement and to report non-compliance by

personnel within his jurisdiction to the state superintendent of education; to direct the state board of education to study programs of instruction in professional development designed to develop leadership skills for school system administrators and principals which utilize expertise from private industry; to direct the state board of education to implement a personnel evaluation system to further assist public school personnel in completing the professional development requirements imposed herein; to identify and define students who are at-risk of poor academic performance, failure or dropping out; to direct the state board of education to cause to be developed programs for providing educational and related services reasonably calculated to enable at-risk children to successfully complete the elementary and secondary curriculum; to direct the state board of education to develop pilot alternative programs for students with behavioral or instructional problems which cannot be met in the regular school program; to direct the state board of education to implement a pilot program to determine the optimum teacher-pupil ratios for promoting academic achievement for students who are economically or educationally deprived; to direct the state board of education to monitor, analyze and report to the Governor and the legislature on such pilot programs; to further direct the state board of education to cause to be developed and piloted dropout prevention and recovery programs; to require the state board of education to designate certain schools or school systems as lead schools or school systems for purposes of implementation of a dropout prevention and retrieval program; to require the state board of education to monitor and provide guidance for schools or school systems with dropout prevention and retrieval programs deemed to be deficient; to direct the state board of education to adopt policies and procedures to implement a comprehensive career awareness program in the middle schools, to place strong emphasis on school counselors to identify students at-risk, to develop professional development programs to prepare teachers for dealing with students at-risk, to encourage business and community involvement, and to increase the graduation rate to 90 percent by the year 2000; to provide for the development of flexible school terms extending over the twelve-month calendar year, with approval by the state board of education; and to provide that school personnel may work extended contract periods provided such personnel are willing and are paid commensurate with the system's salary schedule; to require the state board of education to encourage city and county boards of education to develop site based decision-making programs and innovative programs and methods of instruction for local schools and apply to the state board of education for waiver of any relevant state board of education policy, standard, regulation, and/or procedure, so long as the state board of education policy, standard, regulation, and/or procedure is not expressly required by statute, and providing that the state superintendent of education shall monitor such programs, and providing

that no employees shall have diminished or revoked any contractual or due process rights guaranteed by law or policy of the state board of education as a result of the implementation of site based decision-making programs adopted as a result of this act; to require the state board of education to require the state superintendent of education to recommend changes to encourage city and county boards to develop local programs, to require the state board of education to require the state superintendent of education to recommend a plan for grants to city and county boards that restructure local programs to promote educational enhancement at the local level; to require that school boards shall develop and adopt a discipline plan and a code of student conduct, ensuring a safe school environment free of illegal drugs, alcohol or weapons, establishing uniform policies and penalties; to prescribe minimum standards for school discipline and vandalism policies, and to create a cause of action against parents and/or guardians of any minor who damages school property; to provide civil immunity for teachers and other school authorities for carrying out discipline policies in the schools; to require the state board of education to develop a financial tracking and reporting system for all funds allocated by the Alabama Special Educational Trust Fund Appropriation Act to the local school systems and the local schools in each system; to designate the Alabama Education Study Commission as the Standards on Excellence Commission responsible for examining the required courses, testing programs for teacher candidates, promotion and retention standards, student assessment programs and the performance-based accreditation standards, as well as overall compliance under this act, and to require said commission to report its findings to the Governor, legislature, and state board of education; to provide that any and all mandates contained in the provisions of this act shall be mandated only to the extent that funds are appropriated or otherwise made available for the purposes of implementing such mandates; to provide the intent of the legislature that any board, commission, council or similar body designated or created pursuant to this act shall have equitable representation of minorities; to provide that definitions set forth shall be deemed applicable whether the words defined are used in the singular or plural; to provide that any pronoun used herein shall be deemed to include both the singular and the plural and to cover all genders; to provide for severability; to provide for an effective date.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. This act shall be known and may be cited as "The Alabama Education Improvement Act of 1991."

Section 2. The legislature hereby acknowledges those national education goals established by the President and the nation's governors

as standards applicable to public education in this state. As its statement of Alabama's commitment to education improvement, the legislature finds the following education goals to be worthy of recognition herein:

(1) By the year 2000, all children in Alabama should start school ready to learn.

(2) By the year 2000, the high school graduation rate should be increased to at least 90 percent.

(3) By the year 2000, Alabama students should leave grades four, eight and twelve having demonstrated competency over challenging subject matter including English, mathematics, science, history and geography, and every school in Alabama should ensure that all students learn to use their minds well so that they may be prepared for responsible citizenship, further learning and productive employment in our modern society.

(4) By the year 2000, Alabama students should be among the country's leaders in mathematics and science achievement.

(5) By the year 2000, every adult Alabamian should be literate and should possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

(6) By the year 2000, every school in Alabama should be free of drugs and violence and should offer a disciplined learning environment conducive to learning.

The legislature further recognizes that fundamental changes must be made in this state's public education system to prepare both children and adults to meet the challenges and opportunities of an increasingly competitive society and world. This act sets goals and standards for student performance in Alabama schools that merit serious pursuit. Attainment of these goals will require a serious reexamination of every aspect of Alabama's education system and some profound changes in our public schools. With the enactment of the following legislation, the State of Alabama responds to the mandate of its citizenry.

Section 3. Sections 16-23-3, 16-3-16, 16-23-14 and 16-23-15, Code of Alabama 1975, are hereby amended to read as follows:

"§16-23-3.

"(a) It is the intent of the legislature that the state of Alabama

shall modify its policies relative to the certification of teachers to permit an expanded alternative certification program for prospective teachers for grades 9 through 12. In addition to certificates issued pursuant to this chapter 23 to persons graduating from approved teacher education programs, the state board of education shall adopt policies, procedures, rules, regulations, and/or standards authorizing an alternative certificate to be issued by the state superintendent of education to an individual person, regardless of whether such person is a graduate of an approved teacher education program, where:

"(1) The person has earned a bachelor's or higher degree from a regionally accredited university or college; and

"(2) The person has at least twenty-four months of professional or other experience or study in the field or related fields for which he or she is seeking certification; and

"(3) The person is recommended to the state board of education for an alternative certificate by the state superintendent of education upon the recommendation of the city or county school superintendent in whose system such person shall be employed; and

"(4) The person has demonstrated required satisfactory proficiency on any pre-certification examination requirements then existing for teacher candidates in the state of Alabama pursuant to this act.

"(b) Any alternative certificate shall be valid for the period of time as shall be set by policies, procedures, rules, regulations, and/or standards which shall be adopted by the state board of education but in no event shall such period extend beyond three years from the date of issuance of the alternative certificate.

"(c) Where a person has received an alternative certificate or certificates and has been employed for three consecutive years by one county or city school board, such person may be granted a teaching certificate issued by the state superintendent of education pursuant to section 16-23-1, Code of Alabama 1975, when:

"(1) Approved by the state superintendent of education; and

"(2) Approved according to policies, procedures, rules, regulations, and/or standards which shall be adopted by the state board of education. Such policies, procedures, rules, regulations, and/or



standards shall require that the recipient of an alternative certificate successfully complete no more than the equivalent of twelve semester hours of college course work in education related courses, as may be determined by the state board of education based upon factors such as the recipient's individual educational background, prior to the issuance of a teaching certificate pursuant to section 16-23-1, Code of Alabama 1975.

"(d) Any person granted a teaching certificate issued by the state superintendent of education pursuant to section 16-23-1, Code of Alabama 1975, following the receipt of an alternative certificate, as herein provided, shall be eligible to attain continuing service status pursuant to chapter 24, Title 16, Code of Alabama 1975. Time served as a teacher pursuant to an alternative certificate shall be counted in determining continuing service status pursuant to section 16-24-2, Code of Alabama 1975.

"(e) The state superintendent of education in cases of emergency when certified teachers, including teachers who may have received alternative certificates pursuant to this section, are not available may grant provisional emergency certificates of the different kinds and grades, but a provisional any such emergency certificate shall not be valid for a period to exceed one year but shall expire at the end of the scholastic year for which it is issued, and such provisional emergency certificate shall not be extended or renewed. Time served as a teacher pursuant to an emergency certificate shall not be counted in determining continuing service status pursuant to section 16-24-2, Code of Alabama 1975.

"(f) Any alternative certificate issued pursuant to this section shall be limited to persons teaching grades nine through twelve; provided, however, that an alternative certificate may be issued for persons teaching grades kindergarten through eight if limited to the subject areas of the fine arts and/or foreign languages."

"§16-3-16.

"(a) Subject to the provisions of chapter 23 of this title, The the state board of education, through its executive officer, shall prescribe rules and regulations governing the training and the certification of teachers in the public schools of the state, and for the acceptance of the diplomas of the colleges and universities of Alabama, as well as of other states. The state board of education, with the advice of the state superintendent of education, shall have full power and authority to promulgate and adopt rules and regulations governing the issuance of professional and special, alternative, and emergency certificates consis-tent with the provisions of chapter 23 of this title.

"(b) Alabama shall use certification by the National Boards of Professional Teaching Standards as national reciprocity when national certification has been fully implemented."

"§16-23-14.

"For the purpose of setting up standards for the preparation of teachers, supervisors and administrative employees for service in the public schools, the state board of education shall, subject to other provisions of this chapter 23, authorize and prescribe minimum requirements on courses of study, organization, qualifications of instructors, buildings and equipment and sanitary conditions, and it shall be the duty of the state superintendent of education or his professional assistants to visit institutions engaged in teacher-training, hold conferences with the teachers and officials of such institutions, explain the requirements of the state board of education relating to the preparation of teachers, look into the character of work being done and perform such other services as may be deemed advisable for the improvement of the training provided for prospective teachers of the public schools of the state."

"§16-23-15.

"It shall be the duty of the state superintendent of education, or his professional assistants, to exercise general supervision over the teacher-training institutions under the control of the state board of education subject to other provisions of this chapter 23. The state superintendent of education, together with the deans or directors of the schools of education in the state-supported institutions of higher learning, shall constitute an advisory council on teacher-training."

Section 4. (a) The legislature finds that Alabama is alone among the Southern states in not testing teacher candidates before allowing them in the classroom, and acknowledges that the need exists to establish, maintain and enforce minimum professional standards for teacher candidates in the state of Alabama. In response to such need, there is hereby created a Professional Teachers Standards Commission (the Commission) for the state of Alabama. The Commission shall consist of eleven members appointed by the governor in the following manner: the Alabama Congress of Parents and Teachers Association, Alabama School Board Association, Alabama Council for School Administration and Supervision, Alabama Education Association, and the Alabama Association of Colleges for Teacher Education shall each designate a representative that together shall form a nominating committee which

shall meet at the call of the governor and submit to him a list of twenty names to be considered for initial appointment to the Commission. All such nominees shall have demonstrated experience and ability in the science of test development and administration. Such names shall be submitted to the governor within thirty days immediately following the effective date of this act. If nominations are not received by the governor within such thirty-day period, he shall proceed to make such appointments by the various categories as described below from his own selection. The nominations shall include an appropriate number of names to ensure the selection of three practicing elementary teachers (grades kindergarten through five), one practicing middle school teacher (grades six through eight), and two practicing secondary teachers (grades nine through twelve); two school administrators consisting of one school principal and one school superintendent; one member from the faculty of a teacher preparation program; and one member of a local board of education. In addition to the foregoing ten members, the governor shall appoint one member from his own selection, which member shall serve at the pleasure of the governor. Four of the members initially appointed shall serve for three years, four shall serve for two years, and three shall serve for one year. Thereafter, the terms of all members shall be for three years. The governor shall designate at the time of the initial appointments which members' terms shall be for one, two or three years in duration. At the expiration of the term of any appointee, other than the governor's discretionary appointee, the nominating committee shall recommend to the governor at least two persons for appointment to the position created by the expired term. Vacancies occurring on the Commission shall be filled from the same respective categories as described above and the replacement or reappointed member(s) of the Commission shall serve for the remainder of the unexpired term of his or her predecessor. The governor may reject any name(s) submitted by the nominating committee and in such a case the governor shall call upon the nominating committee to submit additional names for the initial appointees or additional names for the filling of any vacancy on the Commission. No member of the Commission shall serve more than two full terms.

(b) The legislature recognizes that the National Teacher Examination (NTE) or some component thereof is utilized as an examination for teacher candidates in 33 states, including the majority of our surrounding Southern states. It is therefore the intent of the legislature that the Commission select a nationally recognized pre-certification examination such as the NTE for initial certification of teacher candidates in Alabama. The Commission is directed to determine the conditions, if any, which must be satisfied for use of the NTE for the purposes set forth herein. The Commission is further authorized to

utilize all means necessary to comply with such conditions so as to allow usage of the NTE as an entry-level pre-certification examination for teacher candidates in Alabama, or to otherwise promote full implementation of this section.

In the event that the Commission is prohibited from utilizing the NTE, its successor examination, or a component of either, for pre-certification, after exhausting all available remedies, then the Commission is authorized to designate or develop a pre-certification examination. Such examination shall adhere to generally accepted test construction methodology and those test construction practices reflected in the NTE, and shall permit evaluation of functional academic skills of teacher candidates including but not limited to, reading, writing and mathematics.

(c) Any pre-certification examination designated or developed pursuant to this act shall be administered by the Commission to all teacher candidates seeking certification for the 1994-95 school year. Candidates must demonstrate required satisfactory proficiency, as determined by the Commission from time to time, on such examination prior to becoming eligible to receive a certificate pursuant to Title 16, chapter 23, Code of Alabama 1975; provided, however, that such satisfactory proficiency shall not be required for persons to become eligible to receive emergency certificates pursuant to section 16-23-3, Code of Alabama 1975. Candidates shall have only five opportunities to demonstrate the required satisfactory proficiency, and if such candidate fails to demonstrate the required satisfactory proficiency in the fifth attempt, such candidates shall not be eligible for certification in the state of Alabama.

(d) It is the intent of the legislature that Alabama teacher preparation institutions support the performance of their graduates on such pre-certification examinations and such institutions shall be responsible for providing remediation without any cost to the student who has successfully completed all course requirements for the teacher preparation program but has failed the pre-certification test. The failure of any institution to comply with the provisions of this act shall be grounds upon which the institution's rights to prepare teachers may be withdrawn. It is the intent of the legislature that upon the designation or development of a pre-certification examination for initial certification of teacher candidates, the Commission shall then proceed to address the improvement of standards for teacher preparation programs. As a result of the administration of the test and to the extent fewer minorities are licensed to teach in Alabama, the Commission shall develop a remedial plan which will be implemented by teacher preparation institutions.

(e) Scores from the tests required under the provisions of this act shall be reported to and kept by the Commission. Scores shall be given to the candidates tested. Personally identifiable scores shall not be open or made available to the public, but reports may be prepared and released by the Commission with respect to overall results of scores. Reports of scores as authorized herein may be made at such frequency as the Commission may deem appropriate.

Section 5. Sections 16-3-15 and 16-35-1, Code of Alabama 1975, are hereby amended to read as follows:

"§16-3-15.

"(a) The following words and phrases used in this section shall, in the absence of a clear implication otherwise, be given the following respective interpretations:

"(1) 'Required courses' means courses which are mandatory and required to be taken by every student enrolled in public schools in the state of Alabama, grades 9 through 12.

"(2) 'Elective courses' means courses which are neither mandatory nor required to be taken by any student enrolled in public schools in the state of Alabama,

"(b) The Alabama legislature finds that Alabama students must become more literate in the basic skills needed to compete successfully in an increasingly global economy. The legislature further finds that the English language is a common bond that holds our society together. It is necessary that the state board of education adopt curriculum policies to ensure that Alabama students have a command of the spoken and written English language. The legislature further finds that students in Alabama schools are not receiving an adequate social studies education. The legislature further finds that in Alabama schools, students earning a standard high school diploma are only required to earn two credits of mathematics after they enter the ninth grade and prior to graduation. The legislature further finds that special attention must be given to the Alabama course of study in science. The state board of education shall mandate but not be limited to requiring the following courses for grades 9 through 12 in all public schools in the state of Alabama, phased in beginning with students entering ninth grade in the 1992-93 academic year:

"(1) Four years (equivalent of four credit units) of English;

"(2) Four years (equivalent of four credit units) of mathematics, including but not limited to material designed to ensure that no high school student fails to learn basic mathematical skills and computer literacy;

"(3) Four years (equivalent of four credit units) of science; and

"(4) Four years (equivalent of four credit units) of social studies with an emphasis on history, geography, economics and political science. History courses shall include material on the history of the United States and the Constitution of the United States.

"(c) It is the intent of the legislature that the content of the required courses be developed based on the learner outcomes as defined in section 6. These learner outcomes shall be based on criterion-referenced tests. Furthermore, credit for required basic core academic courses may be earned in conjunction with vocational courses and/or programs. The legislature further recognizes that the required courses may make it difficult to schedule students in vocational programs earning two or more credits annually. It is the intent of the legislature that local boards of education continue to offer and schedule students into such vocational programs. Therefore, the legislature directs the state and local boards of education to develop flexible scheduling, integrated curriculums, and all other methods necessary to ensure the continued successes of such vocational programs.

"(d) It is the intent of the legislature that, in addition to the required courses, elective courses including but not limited to foreign languages, fine arts, physical education, vocational and technical preparation, be available to all students.

"(1) The state board of education may approve any elective courses as it may deem appropriate for public schools in the state of Alabama.

"(2) In the event a city or county board of education has met all performance-based accreditation standards and promotion and retention standards contained in this act and all other such provisions of the Code of Alabama 1975, such local board may approve elective courses in addition to the required courses set forth in this section and elective courses approved by the state board of education pursuant to subdivision (1) of this subsection; provided, however, that if a local board approves an elective course previously approved by the state board of education, then, in that event, the local school board is required to use any course content approved by the state board of education for such elective.

"(3) In the event a city or county board of education has not met all requirements of performance-based accreditation standards and promotion and retention standards contained in this act and all other such provisions of the Code of Alabama 1975, such local board shall offer only elective courses approved by the state board of education pursuant to subdivision (1) of this subsection.

"(e) The state board of education shall adopt necessary policies, procedures, rules, regulations and/or standards to require that:

"(1) The required courses set forth in this section must be taken by every student enrolled in grades 9 through 12 of public schools in the state of Alabama, phased in beginning with students entering the ninth grade in the 1992-93 academic year.

"(2) The required courses set forth in this section must be successfully passed by a student enrolled in grades 9 through 12 of public schools in the state of Alabama prior to such student's graduation or receipt of a diploma, phased in beginning with students entering the ninth grade in the 1992-93 academic year; provided, however, students identified as eligible for special education services as provided by federal and state law shall be required to meet the provisions set forth in the individual education plan prescribed to meet their individual needs as required by law.

"(3) A certain number of elective courses must be successfully passed by a student enrolled in grades 9 through 12 of public schools in the state of Alabama prior to such student's graduation or receipt of a diploma, phased in beginning with students entering the ninth grade in the 1992-93 academic year.

"(4) Other provisions which may be necessary to fully implement this section so long as such provisions are consistent with all requirements, restrictions, definitions, and limitations of this section.

"(f) The state board of education, on the recommendation of the state superintendent of education, shall prescribe the minimum contents of courses of study for all public elementary and high schools in the state, and shall fix the maximum number of books which are compulsory in each grade of the elementary schools. In every elementary school in the state there shall be taught at least reading, spelling, handwriting, arithmetic, oral and written English, geography, history of the United States and Alabama, elementary science, hygiene and sanitation, physical training and such other studies as may be prescribed by the state board of education. Moreover, the state board of education shall require the

following courses for grades one through eight in all public schools in the state, phased in beginning with students entering grades one through eight in the 1992-93 academic year: English, social studies, mathematics, and science should be taught each year in grades one through eight. English courses shall include but not be limited to material designed to develop language arts, such as reading, writing, speaking, and listening skills.

"(g) The state board of education shall adopt necessary policies, procedures, rules, regulations and/or standards to encourage college and university departments of education to review their existing educational programs for prospective English, social studies, mathematics and science teachers in order to ensure that such prospective teachers are properly prepared to teach the courses required by this section."

"§16-35-1.

"The state board of education shall ~~constitute~~ appoint a courses of study committee as set forth below for the purposes and functions as hereinafter provided. The state courses of study committee shall consist of ~~24~~ 28 members to be selected as follows:

"(1) One elementary teacher (grades k through 6) and one secondary teacher (grades 7 through 12) from each of the seven congressional districts who are teaching in the course of study areas to be revised during their terms of office;

"(2) Four members from the state at-large actively engaged in a supervisory or administrative capacity in the field of education and who are knowledgeable or who have had previous teaching experience in the course of study areas to be revised during their term of office;

"(3) Three members who are employees of state institutions of higher learning who are specialists in the course of study areas to be revised during their terms of office; and

"(4) Seven additional members appointed by the Governor, one from each of the seven congressional districts, each of whom shall be either a business or professional representative not employed in the field of education. The Governor's appointees shall have expertise and be actually involved in the course of study field under consideration and shall be confirmed by the Senate.

"Additional standards for membership on the courses of study committee may be established by the state board of education other than



those prescribed hereinabove. Said standards shall be sent to every local board of education and every county and city superintendent.

"Local boards of education, through their superintendents, shall nominate persons to serve on these committees. Local boards shall furnish credentials of each person recommended, including a summary of each person's qualifications for membership in the committee. All nominations along with said credentials shall be forwarded to the state superintendent of education. The state board of education, upon the recommendations of the state superintendent of education, shall appoint all members of the state courses of study committee from the nominees made by the local boards of education. The Governor's appointments need not be nominated by a local board of education, nor recommended by the state superintendent of education, nor approved by the state board of education.

"The term of office of the members of said committee shall be for a period of one year, beginning on the first day of May, 1984; provided, however, that the terms of office for the Governor's initial appointees shall begin immediately upon their initial appointment. The members shall hold office until their successors are appointed."

Section 6. Sections 16-40-1, 16-40-2, 16-40-3, 16-40-4, 16-40-5.1, 16-40-5.2, 16-40-5.3, 16-40-5.4, 16-40-6, 16-40-7 and 16-40-8, Code of Alabama 1975, are hereby repealed effective August 1, 1992.

Section 7. The state board of education shall by October 1, 1992, adopt learner outcomes that clearly define what Alabama students must know and be able to do in order to be competitive nationally and internationally. The learner outcomes must be linked to expectations for success in college and the world of work. Board policies are to require mechanisms to receive feedback from higher education institutions and the business community to the public schools of the state of Alabama. It is the intent of the legislature that the state board of education clearly define what a high school graduate in the state of Alabama is expected to know and be able to do.

Section 8. The legislature directs the state board of education to eliminate the social promotion of students by strengthening the promotion and retention standards required of all local school systems. Such policy shall provide that no student shall be allowed to pass to a higher grade or course level so long as he or she fails to achieve at grade level or fails to master the established standards for a particular grade level, level of learning or subject matter content achievement level.

Any rules and regulations adopted by the state board of education pursuant to this section shall be exempt from the provisions of section 41-22-3(3), Code of Alabama 1975. The legislature recognizes that increased academic requirements, as required by section 5 of this act, linked to the establishment of promotion and retention standards, as measured by the program for assessment of student achievement, in section 9 of this act, may increase the dropout rate for students in the public schools of the state of Alabama. It is the intent of the legislature that alternative academic programs shall be established and available to all students prior to the implementation of increased academic requirements and expectations for students. Local boards of education shall provide counseling, tutorial assistance, and remediation when necessary to ensure that students are literate in the skills identified in the required courses of study and have achieved standards of the grade level of learning or course content.

Section 9. (a) The state board of education shall continue the development and implementation of a valid and reliable program for assessment of student achievement. This comprehensive assessment program shall include but not be limited to:

(1) normed-referenced assessments to measure student achievement and school ability as compared to a recently normed national sample of similar students;

(2) grade level criterion-referenced assessments to measure student performance based on standards established by the state board of education in core curriculum subjects; and

(3) criterion-referenced assessment to measure student performance on minimum standards established by the state board of education at elementary, middle, and high school grades and for graduation from high school. At least one of the three assessment examinations described in the preceding sentence shall be administered each year to each student in the second through the eleventh grades in each public school. The graduation examination shall be administered to students in the eleventh and twelfth grades. Students who failed to achieve at least the minimum score on the graduation examination but met all other requirements for a diploma may be administered that examination although they are not currently enrolled in a public school. Priority in the student assessment program shall be given to the development of criterion-referenced tests in courses contained in the core curriculum. The results of student performance on all criterion-referenced tests shall be correlated in such a way that local school systems may include them among criteria used for promotion and retention decisions. The state board of education shall

continually update the assessment program to assure the valid assessment of achievement of students enrolled in public schools.

(b) The state board of education shall develop and implement an aptitude program with accompanying interest survey for entering ninth graders. The results of these assessments shall be used in the development of high school students' programs of study and for career planning.

(c) It is the intent of the legislature that a high school diploma earned in the public schools of the state of Alabama reflects the ability of our graduates to have achieved the required twelfth grade skills and knowledge. The legislature directs the state board of education to continue to revise and raise the level of expectation for students taking the high school graduation examination to ensure that the examination measures skills and knowledge that are expected of high school graduates. Accordingly, the state board of education shall establish a goal of increasing the scale score for passing the Alabama High School Graduation Exam over the next three scholastic years beginning with the exam to be given in the fall of 1992. It is the intent of the legislature that the minimum competency skills as measured by this exam be increased to ensure that the recipient of a high school diploma has reached a higher level of competency. It is further the intent of the legislature that a higher academic performance will be expected of students receiving a high school diploma.

(d) The state board of education shall require that all students who participate in work-related programs requiring those students to leave school for more than one instructional period during their regular school day shall have met or exceeded the minimum acceptable level of performance in the pre-ninth grade test of basic skills as prescribed in subsection (b) above and must not be deficient in credits earned in the academic course requirements.

Section 10. (a) The following words and phrases used in this section shall, in the absence of a clear implication otherwise, be given the following respective interpretations:

(1) "Accreditation" or "Accredited" means that a city or county school system has been determined to meet the requirements for accreditation under the accreditation system. An accredited school system may be further classified as excellent, satisfactory, or probationary by the state superintendent of education as provided by this section.

(2) "Accreditation System" means the state board of education's

accreditation system in effect as of January 1, 1991, as supplanted by the performance-based accreditation system to be established by the state board of education pursuant to this section.

(3) "Education Improvement Plan" means an educational improvement plan developed by a non-accredited, or an accredited probationary, city or county school system pursuant to this section.

(4) "Intervention" means action by the state superintendent of education to temporarily assume the responsibility for the operation and control of one or more public schools under the jurisdiction of a non-accredited city or county school system pursuant to this section.

(5) "Non-accredited" means that a city or county school system or one or more public schools have not met the requirements for accreditation under the accreditation system.

(b) The state board of education shall, on or before January 1, 1992, establish a performance-based Accreditation System for all city and county school systems and all public schools, which shall supplant the existing accreditation system, to comprise the state of Alabama public school accreditation system. Each city and county school system and each public school shall be required to be accredited by the state board of education under the accreditation system in accordance with the provisions of this section. The accreditation system shall measure the academic performance, in the required courses of study, of each school and school system throughout the state. When the state board of education has determined that a city or county school system and all of the public schools under its jurisdiction have satisfied all requirements for accreditation, which determination shall be made in accordance with and pursuant to this section, such city or county public school system shall be certified by the state board of education as accredited.

(c) The state board of education shall establish specific guidelines and minimum performance levels which reflect the standards required for accreditation. Such standards for accreditation established by the state board of education shall be directly linked, but not limited to, the student assessment program as provided for in this act. Such standards for accreditation established by the state board of education shall further include, but not be limited to, the requirement that each city and county board of education and, where appropriate, the public schools under its jurisdiction shall:

(1) Provide acceptable facilities conducive to an effective teaching and learning environment, including safe buildings having

adequate space, heating and air conditioning, restroom facilities and sanitary conditions;

(2) Comply with the requirements of federal and state governments and agencies and the state board of education with respect to the condition and safety of vehicles, scheduling of routes, training and licensing of drivers and load capacity of buses;

(3) Adhere to the attendance laws of the state and maintain a proper reporting of attendance;

(4) Adhere to the courses of study, curriculum offerings, academic and graduation requirements, guidance and counseling services, testing programs and special educational requirements for all students identified as needing such services, in accordance with this act and state board of education policy. The state board of education shall specifically require that instruction in science in grades one through six shall be taught by teachers who have obtained a minimum of 12 semester hours or 18 quarter hours of science. It is the intent of the legislature that the teacher training institutions prepare all early childhood and elementary certified teachers to have a broad knowledge of science with emphasis on general, environmental and basic science. It is further the intent of the legislature that the state science course of study committee develop and recommend to the state board of education an early childhood and elementary science program of instruction with a sequential development of science skills and knowledge. The state board of education shall also incorporate into the performance-based accreditation standards, as provided in this section, a requirement that all elementary schools have approved science laboratory facilities for the proper teaching of elementary science courses. It is the goal of the legislature that the provisions of this subsection be fully implemented by the school year 1997-98.

(5) Assure that adequate resources for instruction are provided, including textbooks, instructional supplies, community resources, financial allocations for teachers' salaries and other instructional support;

(6) Adhere to the state board of education's requirements pertaining to all instructional personnel, including proper certification, assignment, in-service/professional development, evaluation, compensation and instructional competence;

(7) Provide all administrative and supervisory personnel with leadership and management training;

(8) Adopt an evaluation plan to assess the job performance of

teachers, supervisors and principals in accordance with this section; and

(9) Prepare an annual educational status report as required by law and regulations adopted by the state board of education. Such status report shall include an assessment of student performance by school and an evaluation of system-wide student performance. Such performance shall be evaluated on criteria established by the state board of education, which criteria shall include, but not be limited to, the student dropout rate; the graduation rate; the average class size; the pupil/teacher ratio; the pupil/administrator ratio; the percentage of students entering postsecondary education or training programs; parent, teacher and student satisfaction; parental involvement; and other performance measures deemed appropriate by the board.

(d) Each city or county school system shall submit to the state board of education for each public school within its jurisdiction such information as may be required by the state board of education to determine its accreditation status pursuant to this section. This report shall include specifics regarding any public school and any aspect of that school's program, particularly poor student performance, which fail to adhere to the accreditation requirements. This report shall be widely disseminated to the public and discussed by the city or county board of education at a public meeting.

(e) The state superintendent of education may, with the consent of the state board of education, waive compliance with any of the requirements of subsection (c) of this section which the state superintendent of education determines to be impossible of performance without additional state or local funds.

(f) The accreditation system adopted by the state board of education pursuant to this section shall provide procedures for the periodic review and evaluation of each city or county school system and each public school to determine its accreditation status. Such procedures shall include one or more unannounced on-site visits to each city or county school system and each public school by an educational compliance review team selected and appointed from time to time by the state superintendent of education. The state superintendent of education shall determine whether the city or county school system or the public school, as the case may be, has met the standards and minimum performance levels to be accredited. The state board of education shall also adopt a method whereby the state superintendent of education shall classify those schools and school systems deemed to be accredited as excellent, satisfactory, probationary or any other terms or classifications deemed appropriate by the state board of education. The performance of schools or school systems and their accreditation status and

classification, along with any other information deemed necessary by the state board of education to adequately inform and help the public accurately evaluate the performance of local schools and school systems, shall be reported to the public each year and made known to the media on a specified date annually. This annual report shall be known as the "Report Card on Our Schools and School Systems."

(g) The state board of education shall also establish a procedure whereby any person can lodge a complaint against any school or school system if such person has a reason to believe that the performance-based standards established herein are not being complied with and such complaint will be properly investigated and a determination made as to whether such complaint is justified. Such a procedure should establish that such complaint shall first be investigated by the local school system.

(h) In the event that the state superintendent determines that the city or county school system or the public school, as the case may be, has not met the standard and minimum performance levels to be accredited, the city or county school system or, in the case of a determination with respect to a public school, the school system having jurisdiction over such public school shall be declared to be a non-accredited school system.

(i) A non-accredited, or an accredited probationary, city or county school system shall develop an Education Improvement Plan subject to the approval of the state superintendent of education designed to cause the such board of education and each public school under its jurisdiction to meet the standards and minimum performance levels to be accredited without probationary status within the time period specified, not to exceed three years. The state superintendent shall provide necessary technical assistance in developing the Education Improvement Plan.

(j) The state superintendent of education shall provide consultation, training, and technical assistance to each non-accredited, or accredited probationary, school system to assist in the implementation of an Education Improvement Plan until the expiration of the time period specified in the plan or until it is determined by the superintendent that the school system is unable or unwilling to meet the standards and minimum performance levels to be accredited.

(k) The legislature intends that the purpose of this section is to provide early warning, intervention, remediation, and receivership for schools and school systems deemed deficient under the performance-based accreditation system established herein. Therefore,

in the event that a non-accredited, or an accredited probationary, school system fails to implement an Education Improvement Plan within the time period specified in the plan, or the state superintendent of education determines that the non-accredited school system is unable or unwilling to meet the standards and minimum performance levels to be accredited or satisfactory, the state superintendent of education, acting with the approval of the state board of education, may intervene in the operation of such school system to temporarily limit or supersede the authority of the board of education over one or more public schools under its jurisdiction. The state board of education shall determine, upon the recommendation of the state superintendent of education: (1) whether the intervention shall be total intervention over all programs or partial intervention in specified program areas of operation; (2) the terms of the intervention; and (3) the length of the intervention. Prior to intervention, the state superintendent of education shall notify such non-accredited or probationary school system in writing of the proposed intervention and hold a public hearing in accordance with regulations adopted by the state board of education.

Section 11. The state board of education shall adopt or modify its policies, regulations, or procedures so as to require that school terms in the public schools of this state are not less than 176 actual teaching days for the 1992-93 scholastic year, with one additional teaching day added to the school terms for 1993-94, 1994-95, and 1995-96, so that the school term in 1995-96 shall be not less than 179 actual teaching days. As used in this section, "actual teaching days" shall be exclusive of institutes, conferences, conventions, and holidays. Any employee required to work an additional day or days above such employee's present contract days shall be compensated with a corresponding additional day's or days' pay in addition to any cost-of-living adjustment provided by the legislature.

Section 12. (a) The legislature finds that there is at present a need in Alabama to coordinate, at the state and local level, the efforts of existing providers of services supporting early childhood development and family involvement in education.

(b) There is hereby established the Alabama Council on Family and Children to be composed of the Governor, who shall be chairperson; the State Superintendent of Education; the Commissioner of the Department of Human Resources; the State Health Officer; the Commissioner of the Department of Mental Health and Mental Retardation; the Chairman of the Children's Trust Fund; and the Director of the Department of Youth Services, or their designated representatives, and one additional member from each congressional district to be appointed by



the Governor. Said council shall exist for the purpose of coordinating existing services, at the state and local level, supporting early childhood development and family involvement in education and assessing existing programs.

(c) On or before June 30, 1992, the Alabama Council on Family and Children shall submit to the Governor and the legislature a plan which shall include, but not be limited to, recommendations concerning the following:

(1) Federally sponsored "Head Start" programs for children in Alabama qualified thereunder;

(2) State-sponsored "Head Start" type programs for other four-year-old children who do not qualify for federally sponsored Head Start. Such recommendations may include the establishment and implementation of pilot programs in at least ten city or county school systems by the 1993-94 school year; and

(3) The establishment of criteria for recognizing pre-school students in need of readiness skills and the development of summer programs to aid such student.

(d) The Alabama Council on Family and Children shall recommend to the state department of education and the advisory council on teacher-training created by section 16-23-15, Code of Alabama 1975, programs of instruction in professional development for public school instructors, teachers and administrators involved in early childhood development.

Section 13. Section 16-28-4, Code of Alabama 1975, is hereby amended to read as follows:

"§16-28-4.

"(a) A child who is six years of age on or before September 1 or the date on which school begins in the enrolling district shall be entitled to admission to the first grade in the public elementary schools at the opening of such schools for that school year or as soon as practicable thereafter; provided that such child shall have first completed one school year of any public, private or church-school kindergarten. ~~a~~ A child who is under six years of age on September 1 or the date on which school begins in the enrolling district shall not be entitled to admission to ~~such~~ the first grade in the public elementary schools during that school year; except, that an underage child who transfers from the first grade of a

school in another state may be admitted to school upon approval of the board of education in authority, and an underage child who has moved into this state having completed or graduated from a mandated kindergarten program in another state shall be entitled to admission to the public elementary schools regardless of age. A child who becomes six years of age on or before February 1 may, on approval of the board of education in authority, be admitted at the beginning of the second semester of that school year to schools in school systems having semiannual promotions of pupils, provided that such child shall have first completed one school year of any public, private, or church-school kindergarten. Provided, however, the kindergarten requirement specified in this section shall apply to students entering the first grade during and after the 1993-94 school year. Nothing in this section shall be deemed to permit the state board of education to impose standards, regulations or requirements for private or church-school kindergarten programs. Any local board of education shall upon the recommendation of the local superintendent of education excuse the attendance of any child from the provisions of this section, provided the parent, guardian or other person residing within the state, who has custody of the child request an exemption for the child, and presents written documentation from a medical physician that the child is not physically, mentally or emotionally ready to attend school.

"The provisions of this section which require the attendance of all children in kindergarten may be waived for any child who moves to this state from a state that does not provide and require the attendance of all children in kindergarten classes.

"(b) A child who is five years of age on or before September 1 or the date on which school begins in the enrolling district shall be entitled to admission to the local public school kindergartens at the opening of such schools for that school year or as soon as practicable thereafter; a child who is under five years of age on September 1 or the date on which school begins in the enrolling district shall not be entitled to admission to such schools during that school year; except that, an under-age child who transfers from the public school kindergarten in another state may be admitted to local public kindergarten on the prior approval of the local board of education on a space available basis. The aforementioned underage children transferring from the public school kindergartens of another state, upon successful completion of the kindergarten in the local public schools, will then be allowed admission to the first grade of the local public schools.

"(c) Students who were four years of age on or before October 1, 1989, and are enrolled in a public, private or church four-year-old

program or kindergarten during the 1989-90 school year will be allowed to enroll in a five-year-old public kindergarten, applicable only for the 1990-91 school year and to enroll in grade one of a public school, applicable only for 1991-92 school year. Students who are already enrolled in a public, private or church kindergarten will be allowed to enroll in grade one of a public school, applicable only for the 1990-91 school year.

"(d) No public school system shall lose any teacher unit as a result of this section. The state board of education is authorized to adopt policies for local boards of education for the implementation of this section."

Section 14. It is the intent of the legislature that parents and students have a greater choice in the kinds of public educational programs.

(a) The following words and phrases used in this section shall, in the absence of a clear indication otherwise, be given the following respective interpretations:

(1) "Schools of choice" means an educational plan, including but not limited to magnet school programs and/or alternative school programs, designed to allow parents or guardians of school aged children to choose which public schools their children will attend within a particular county or city school system. Moreover, schools of choice plans may include but shall not be limited to further development of alternative academic programs, vocational schools, fine arts curricula, gifted student programs, post secondary/secondary early option programs, programs such as the Alabama High School for Math and Science, and the Alabama School of Fine Arts, and any other programs that improve and enhance education.

(2) "School system" means the public schools included under the general administration and supervision of a particular county or city board of education.

(b) County and city boards of education are hereby authorized to develop, adopt, and implement a Schools of Choice plan for use within their respective school systems; provided, however, that no such Schools of Choice plan shall be implemented by a county or city board until:

(1) Such plan is adopted by either:

a. a resolution of the respective county or city board of

education; or

b. a majority of the voters residing within the geographic jurisdiction of the particular county or city board of education at a referendum called by a resolution of the respective county or city board of education and held in accordance with special election laws as set forth in sections 17-18-1 through 17-18-7, Code of Alabama 1975.

(2) Such plan is in full compliance with all federal or state court orders affecting the respective city or county board of education, including but not limited to all applicable federal court desegregation orders.

(3) Such plan is in full compliance with all applicable federal and state constitutional, statutory, and administrative provisions of law.

(c) Any county or city board of education which adopts a Schools of Choice plan, as set forth herein, whether by resolution or referendum, shall immediately notify the state superintendent of education of the adoption of such plan. Such notification shall include a statement from the particular county or city board of education certifying that such plan is in full compliance with all federal or state court orders affecting the particular city or county board of education, including but not limited to all applicable federal court desegregation orders, and all applicable federal and state constitutional, statutory, and administrative provisions of law.

(d) The state superintendent of education shall submit an annual Schools of Choice report prior to August 1 of each year to the state board of education which shall:

(1) List each and every city or county board of education which has notified the state superintendent that the respective city or county school board has adopted a Schools of Choice plan. Such list shall include a summary of the contents of each particular Schools of Choice plan.

(2) Set forth any recommendations of the state superintendent of education regarding the development, adoption or implementation of then existing or future Schools of Choice plans.

Section 15. The legislature finds that mandatory attendance policies for schools differ from school system to school system throughout the state of Alabama. The state board of education shall adopt standards for a mandatory and enforceable attendance policy for all students in public schools in the state of Alabama. Parents shall be held accountable in accordance with sections 16-28-12 and 16-28-7, Code of

Alabama 1975, for the failure of the child who is of compulsory attendance age to attend either public, private or church-school. Enforcement of this section shall lie with the local board of education and the juvenile court system.

Section 16. (a) The legislature finds that we live in an increasingly complex and highly technical society and that additional instructional initiatives are required at this time.

The legislature further observes that these new instructional technologies include computers, interactive videodisc, CD-ROM, electronic telecommunications and networking via modem, and satellite-based interactive instruction.

The legislature recognizes that teachers in preparation programs (pre-service) and experienced teachers need to have continuing information about technology. Technology training must become an integral part of the teacher preparation program and must be seen as an instructional tool rather than the subject of instruction.

The legislature finds it is necessary that all students graduating from our high schools in the future be technologically literate. Therefore, the legislature directs that:

(1) The state board of education shall develop an in-service plan for professional development of teachers currently employed in the public schools of Alabama and shall ensure that each is computer literate and adequately prepared to integrate computer technology into every applicable phase of classroom instruction;

(2) The state department of education shall develop procedures by which each institution of higher education in Alabama that has responsibility for preparing teachers, supervisors, and administrators integrates into its teacher education program technology training;

(3) The state board of education shall develop standards and review procedures for the plans of all new K-12 buildings and all major renovations to ensure that these facilities take advantage of the new and developing information technologies. These standards shall include but not necessarily be limited to coaxial cabling of all classrooms and laboratories, internal telephone networking for all classrooms and laboratories to provide voice and data capability, safe and secure locations for the placement of satellite dishes, sufficient electrical outlets, and the like;

(4) The state board of education shall provide a plan for the

cooperative development and execution of research, demonstration, evaluation, and dissemination of activities related to the effective use of technologies in teaching and learning. These activities shall be planned, designed, and carried out in cooperation with the existing Alabama Regional Inservice Centers (ARIC) and local school systems;

(5) The Alabama Regional Inservice Centers shall develop a plan with budget requirements which will provide technical assistance to other units within their host universities to improve the quality of instruction--particularly as it relates to the use of technology--at all levels and in all curricula which impact the teacher preparation program. It is the intent of the legislature that this form of assistance will be exclusively in the area of consultation and technical assistance. No ARIC funds shall be used to provide hardware, software, instructional materials, or in any way supplant these functions of those units receiving technical assistance;

(6) The state board of education shall have local school systems inventory on an annual basis their computer and related interactive instructional equipment and compile a report for the state superintendent to submit to the Governor and the legislature. This report should reflect the adequacy or inadequacy of available instructional hardware and software and should project a short-range and long-range acquisition plan for additional materials; and

(7) The state board of education shall develop an approved format for the development of long-range technology plans to be submitted by each school district. It is the intent of the legislature that this plan includes long-range goals, specific curricular objectives, hardware requirements, software needs, and training needs. The state superintendent of education shall submit to the Governor and the legislature the plan of action and the funding requirements at the budget hearings for the 1993 Regular Session of the legislature.

(b) The legislature observes that Alabama schools and students would benefit from a coordinated educational technology plan. This plan should be based on a strong commitment to make it possible for all schools to have the benefit of modern technology and shall be submitted to the Governor and legislature during the 1992-93 budget hearings for approval and funding. The legislature directs the state board of education to:

(1) Encourage and coordinate the application of new technologies in the schools;

(2) Support educational technology by developing a plan to

maximize the use of technology in the classroom;

(3) Support educational technology by seeking private funding sources for schools;

(4) Strengthen and broaden curricula and professional staff development by maximizing the use of distance learning for students, teachers, and administrators;

(5) Use technology to promote fundamental changes in the learning process;

(6) Use technology to improve teaching and learning;

(7) Use technology to improve efficiency in productivity in education administration;

(8) Develop a plan to enhance student learning in elementary grades through the use of computer software programs that assist in skill development in reading, writing, mathematics, and other subject matter as approved by the board;

(9) Consider the standards for equipment purchased in the future to maximize the exchange of software programs;

(10) Direct the state department of education in collaboration with local school systems to develop computer software libraries;

(11) Develop a plan to equip all school libraries with computers and networking capabilities to enhance student learning;

(12) Develop a plan to maximize efficiency of local child nutrition programs through the utilization of computers;

(13) Develop a plan for the utilization of student records and develop capabilities of electronic transfers of information for all school systems;

(14) Develop a plan to make available to all students information on scholarships and courses;

(15) Develop a plan to equip appropriate vocational courses taught in the secondary schools with modern technology and computers; and

(16) Develop a plan for the establishment of computer

laboratories to be made available to all students and to provide a computer in the classroom for each teacher.

Section 17. (a) The state board of education shall establish a Council on Adult Education prior to October 1, 1991. The membership of the council shall be as follows:

- (1) The Governor or his designated representative;
  - (2) The State Superintendent of Education;
  - (3) The Chancellor of the Alabama Department of Postsecondary Education;
  - (4) The Executive Director of the Alabama Commission on Higher Education;
  - (5) A member of, as selected by, the Alabama Council for School Administration and Supervision;
  - (6) A member of, as selected by, the Alabama Association of School Boards;
  - (7) A member of, as selected by, the Alabama Education Association;
  - (8) A member of, as selected by, the Alabama Parent Teacher Association;
  - (9) The director of the Alabama Department of Economic and Community Affairs;
  - (10) The Governor's Education Liaison; and
  - (11) Five members of the business/professional community appointed by the Governor.
- (b) The Council on Adult Education, created by this section, shall:
- (1) Develop long-range recommendations, for submission to the legislature and the state board of education, designed to establish a coordinated system of adult education in the state of Alabama, including a full assessment of the costs of any such recommendations;
  - (2) Develop recommendations, for submission to the legislature



and the state board of education, designed to coordinate existing adult education programs offered by the state of Alabama through different agencies;

(3) Inventory all existing adult education programs in the state of Alabama and recommend to the legislature and the state board of education whether such programs should be abolished, expanded, or continued at present levels;

(4) Develop recommendations, for submission to the legislature and the state board of education, to encourage business and industry to employ participants in adult education programs;

(5) Establish priorities and performance standards prior to December 31, 1992, and design measurement devices and procedures to determine level of accomplishing specific objectives; and

(6) Complete the above directives and submit a written annual report to the legislature and the state board of education beginning with the 1993 Regular Session of the legislature.

(c) The Council on Adult Education, created by this section, shall be provided with support staff by the Alabama department of postsecondary education and the state department of education.

Section 18. (a) Each public school instructor, teacher, supervisor or administrator within this state shall attend a minimum of twelve-clock hours of approved instruction in professional development in each school year beginning with the 1992-93 school year.

(b) The Alabama state board of education shall and must provide courses of instruction in professional development at reasonable times and places not less frequently than once a year. Courses of instruction to be provided shall include, but not be limited to, the following subjects:

- (1) Curriculum updates;
- (2) Recent developments in academic course subject matter;
- (3) Methods of instruction;
- (4) General school improvement; and
- (5) Use of technology.

The legislature specifically directs the state board of education to develop in-service and professional development activities to ensure that current elementary school teachers are properly prepared to teach the Alabama course of study in science, mathematics and social studies.

(c) One-clock hour will be given for each actual hour attended in instruction in professional development at professional development programs approved by the state superintendent of education. Hours in excess of the twelve-clock hours minimum annual requirement may be carried forward for credit in the next succeeding year only.

(d) Any public school instructor, teacher, supervisor or administrator who fails to earn twelve approved professional development hours by June 15 of a particular year will be deemed not in compliance for that year. A plan for making up the deficiency may be accepted if a deficiency plan is received by the local superintendent of education by June 30.

(e) On or before August 15 of each year each local superintendent of education shall submit to the state superintendent of education a written report of any public school instructor, teacher, supervisor or administrator who failed to earn twelve approved professional development hours during the past school year. The state superintendent of education shall then notify the said employee in writing of his/her failure to complete the required professional development and establish a deadline by which the employee must be in compliance.

(f) No purchase of materials shall be required at any program of instruction in professional development sponsored by the Alabama state board of education.

(g) The state board of education shall study programs of instruction in professional development designed to develop leadership skills for school system administrators and principals which utilize expertise from private industry.

(h) To further assist public school personnel in fulfilling the mandatory professional development requirements imposed by this section, the state board of education shall:

(1) Develop a comprehensive evaluation system for all professional education personnel, beginning with school administrators. The evaluation system should be developed using research-based criteria and should be field-tested and validated through pilot programs,

(2) Upon the recommendation of the state superintendent, develop a plan of professional development for all administrators, supervisory personnel and classroom teachers which should be based upon the results of the individual evaluation from each personnel evaluation system. The plan will include a delivery system for professional development activities that should include a variety of service options including, but not limited to those provided by the regional in-service centers, colleges and universities, local boards of education, and specific topical workshops and seminars presented by professional organizations, lead academy, or recognized professions in the field of education.

(i) The local board of education will have the responsibility of requesting the professional development needs of its system to its assigned regional in-service center. The Alabama regional in-service center shall assist in the design, training, and implementation of new educational technologies for elementary and secondary school personnel. Notwithstanding other legislation, the Alabama regional in-service center should work with the state department of education, school systems and local businesses and industries to determine systematic and cost-effective methods for using a variety of educational technologies to improve teaching and learning in elementary and secondary classrooms,

(j) The Alabama regional in-service centers shall provide when requested, prescriptive in-service training for teachers and administrators based upon personnel evaluation information, using both individual evaluation results and local school district profiles.

Section 19. (a) The following words and phrases used in this section shall, in the absence of a clear implication otherwise, be given the following respective interpretations:

(1) "At-risk" shall be defined as, but not limited to:

a. Students who are at least two years behind grade level and are, as a result, older than their peers;

b. Students who have failed to acquire the essential skills needed to stay on grade level;

c. Students who have a history of adjustment or behavioral problems;

d. \Students who would be placed on long-term suspension for violations of system regulations;

- e. Students who are parents, or who are pregnant;
  - f. Students whose high school graduation is in jeopardy;
  - g. Students who are considered at-risk as determined by socio-economic predictive data; and
  - h. Students who have a history of poor school attendance.
- (2) "Dropout" shall be defined as an individual who:
- a. Was enrolled in school sometime during the previous school year; and
  - b. Was not enrolled at the beginning of the current school year; and
  - c. Has not graduated from high school or completed an educational program approved by the state board of education; and
  - d. Does not meet any of the following exceptions: transfer to another public school system, private school or other approved education program; or temporary absence due to suspension or school approved illness; or is attending a church-school program.
- (b) The legislature finds that students at-risk of school failure can be identified early and can be successful in school if appropriate steps are taken to address their educational needs. Accordingly, the state board of education shall cause programs to be developed and designed to identify at-risk students. Such programs shall emphasize the utilization of school counselors for early identification and intervention with students deemed to be at-risk. The state board of education shall develop pilot programs for providing educational and related services reasonably calculated to enable each child in this state who is at-risk to achieve his or her potential and successfully complete the elementary and secondary curriculum. The pilot programs shall include alternatives to suspension for minor disciplinary and academic infractions. These alternatives may include in-school suspension or short-term placements in the alternative educational program. These alternatives may also include programs for detention after school and on weekends as the city or county board of education shall deem necessary. These pilot programs shall include tutorial and remedial programs for students who are deficient in the basic skills of mathematics, English, science and social studies.
- (c) The state board of education shall develop pilot programs for

students who have instructional or behavioral problems which cannot be met in the regular school program. These alternative programs shall be made available to serve students who, because of their disruptive nature, have been removed from the regular class on a temporary basis and placed in the alternative program. This program shall be designed to give the student the maximum amount of academic support and counseling services to enable the student to return to the regular program.

(d) The state board of education shall design, implement and monitor a pilot program to determine the optimum teacher-pupil ratios for promoting academic achievement for students who are economically or educationally deprived.

(1) The state board of education shall design the pilot program with technical assistance of one or more institutions of higher education in the state and regional or national research agencies which have compiled and analyzed data regarding the impact of class size on academic achievement for at-risk students.

(2) The state board of education shall develop and provide each public school system participating in the pilot program procedures for monitoring student progress as evidenced by student test data and assessing the cost, efficiency and effectiveness of this particular teacher-pupil ratio utilized. Each participating public school system shall submit, beginning June 15, 1992, and annually thereafter, to the state board of education a report respecting any pilot program.

(3) The state board of education shall compile and analyze the information contained in the annual reports submitted pursuant to subdivision (d)(2) of this section and shall, on or before September 30, 1993, submit to the Governor and to the legislature a comprehensive report regarding the impact of class size on academic achievement in the state.

(4) Nothing contained in this section shall be construed as repealing, modifying or altering in any way the provisions of section 16-13-52.1, Code of Alabama 1975.

(e) Funds allocated in the annual education appropriation acts for in-school suspension programs for students with disciplinary problems, for the operation of alternative education programs, or for tutorial or remedial programs must be specifically expended for those program activities or other similar programs designed to meet the same objectives. Any funds not used by the local school system to provide for these programs shall revert to the Alabama Special Educational Trust Fund. It is the intent of the legislature that these programs as provided

in subsection (d) of this section shall be funded by the annual appropriation from the Alabama Special Educational Trust Fund.

(f) The state board of education shall cause programs to reduce and recover dropouts to be designed, developed and pilot-tested in school years 1991-92, 1992-93, 1993-94. In 1991-92 programs shall be piloted in no more than ten schools. In 1992-93 programs shall be piloted in no more than ten elementary, ten middle, and ten high schools, not to exceed a total of thirty schools. In 1993-94 such programs may be piloted in additional schools but in no event shall such programs be piloted in more than 25 percent of the state's schools. In selecting the pilot programs, the latest research on the effectiveness of various strategies to reduce and retrieve dropouts must be considered, including, but not limited to, parental involvement, mentoring, and enrichment programs, including after-school and summer programs and inter-agency teams. Within the three years following the conclusion of the initial three years of pilot testing, dropout prevention and retrieval programs must be implemented in all school systems.

(g) The legislature shall appropriate funds for implementation of pilot programs for dropout prevention and retrieval in school systems and schools. The state department of education, or a school or school system which is pilot testing a dropout and retrieval program, individually or with other participants, may use a portion of the program funds for the purchase of technical assistance during the planning, developing, and implementing of the program. A report on the status of the programs must be provided to the Governor and the legislature by July 1, 1992, and an evaluation report must be provided annually thereafter by July 15, beginning with July 15, 1993.

(h) The state board of education shall approve local school system plans which meet the criteria established by regulation adopted in accordance with this section and shall waive those regulations as requested by the schools and school systems when waiver of the regulations bears a rational relationship to the implementation of the proposed program.

(i) At the conclusion of pilot testing, the state board of education shall also promulgate regulations requiring each school system to develop written objectives and begin detailing plans for a comprehensive dropout prevention and retrieval program using program components found to be effective during pilot testing. Any funds not used by the local school system to provide for the dropout prevention and retrieval program shall revert to the Alabama Special Educational Trust Fund.

(j) An adequate number of schools and school systems selected for pilot testing must be chosen for the purpose of serving as lead schools or school systems. Beginning with the 1992-93 school year, lead schools and systems shall initiate and provide for on-going discussions and work sessions among a network of schools and systems on strategies for implementing programs which are successful in reducing and recovering dropouts. The state board of education shall assist lead schools and school systems in their function as lead schools and systems and shall facilitate the successful operation of the network by distributing funds to the network in accordance with the procedures approved by the state board of education and in accordance with appropriations funded by the legislature. The intent of the legislature is that lead schools or school systems shall develop model programs that may be replicated.

(k) The state board of education shall establish minimum standards for evaluating the potential for success of the school and system dropout prevention and retrieval program. The minimum standards must include outcome measures to be applied to school and system dropout programs within two years after said programs are implemented.

(l) Each year after the 1992-93 school year, the state department of education shall apply the standards set pursuant to subsection (k) to all schools and school systems which have received state funds to operate a dropout prevention and retrieval program for at least two years. When the application of the standards indicate that a school's or system's dropout prevention and retrieval program is deficient, the state board of education shall direct the local school board to (1) study the dropout prevention and retrieval program in the school or system, (2) identify factors rendering the program deficient, and (3) by not later than July 1 submit for approval to the state board of education a plan for corrective action. During the period that a school or system program is designated as deficient, the state department of education shall monitor and provide guidance on the program and the corrective action planned and continuously furnish advice and technical assistance. If a school or system fails to satisfactorily implement the corrective action plan within six months of approval of said plan, the failure must be indicated in the status of the school's or system's accreditation classification. Funds for monitoring and technical assistance under this subsection must be provided by the legislature in the annual appropriations act.

(m) As a further means of assisting students deemed to be at-risk and/or dropouts, the state board of education shall adopt policies and

procedures:

(1) To implement a comprehensive career awareness program in middle schools to help students appreciate the value of a high school education and understand the consequences of not acquiring a high school diploma;

(2) To require local schools to place strong emphasis on the utilization of school counselors for early identification and intervention of students deemed to be at-risk;

(3) To utilize the existing in-service education centers and to develop and implement a comprehensive, professional development program that prepares teachers to identify and assist the at-risk student;

(4) To require state and local boards of education to adapt/adopt vocational, technical, and other programs to meet the needs of students at-risk;

(5) To require local school systems to develop plans to redirect resources of the community education program to offer training programs for parents to assist them in dealing with at-risk students and to further encourage parental involvement with all aspects of the total school program;

(6) To require the state and local boards of education to develop at the state and local levels programs to assist pregnant teenagers and teenage parents in acquiring a high school diploma;

(7) To require state and local school boards to encourage business leaders, community organizations and the public media to support education and to convince parents that education is critical to the future of their children; and

(8) To require local school systems to report information on dropouts to the state superintendent of education who shall make an annual report to the governor and legislature.

(n) Further, the legislature intends that all programs implemented pursuant to this section shall be designed to reach the goals of reducing the dropout rate and increasing the graduation rate to 90 percent by the year 2000.

Section 20. It is the intent of the legislature that local school systems be permitted to develop flexible school terms extending over the course of the twelve-month calendar year. School systems desiring to



use flexible school terms may utilize such scheduling to develop tutorial programs or innovative programs for at-risk students or students deemed academically deficient and to relieve overcrowded classroom conditions. Local school systems desiring to develop flexible school terms shall, upon approval of the local board of education, submit a plan to the state superintendent of education and upon his recommendation and approval by the state board of education, the plan shall be adopted. No provision of the act shall be interpreted to require personnel employed in local school systems to work longer than their current contract provides. School personnel may work extended contract periods provided the personnel are willing and are paid commensurate with the system's salary schedule.

Section 21. The state board of education shall adopt or modify its policies, standards, regulations and/or procedures to:

(1) Encourage city and county boards of education to create and develop site-based decision-making programs, new and innovative programs and methods of instruction, and to apply to the state board of education for a waiver of any relevant state board of education policy, standard, regulation and/or procedure which, if granted, shall allow such program to be substituted for relevant state board of education mandated policies, statutes, regulation and/or procedures; provided, however, that the state board of education shall not waive any policy, statute, regulation, and/or procedure expressly required by statute. The state superintendent of education shall monitor such programs to ensure the successful performance of students enrolled in schools governed by site-based decision-making programs. No employees shall have diminished or revoked any contractual or due process rights guaranteed by law or policy of the state board of education as a result of the implementation of site-based decision-making programs adopted as a result of this section;

(2) Require the state superintendent of education to review existing state educational statutes and recommend to the legislature, during the 1992 Regular Session of the legislature, such changes as may be needed to encourage city and county boards of education to create and develop local educational programs designed to improve dropout rates, parental and community involvement in education, and student performance, and other ways to promote educational enhancement at the local level; and

(3) Require the state superintendent of education to recommend to the state board of education and the legislature, during the 1992 Regular Session of the legislature, a plan under which the state board of

education will make grants available to city and county boards of education that restructure their local programs to promote educational enhancement at the local level.

Section 22. (a) The legislature finds a compelling public interest in ensuring that schools are made safe and drug free for all students and school employees. The legislature finds the need for a comprehensive safe school and drug free school policy to be adopted by the state board of education. This policy should establish minimum standards for classes of offenses and prescribe uniform minimum procedures and penalties for those who violate the policies. It is the intent of the legislature that our schools remain safe and drug free for all students and school employees. The state board of education shall adopt and all local boards of education shall uniformly enforce policies that protect all students and school employees. The state board of education shall require local school systems to modify their policies, practices or procedures so as to ensure a safe school environment free of illegal drugs, alcohol or weapons. Any rules and regulations adopted by the state board of education pursuant to this section shall be exempt from the provisions of section 41-22-3(3), Code of Alabama 1975. These modifications shall include the formulation of a discipline plan setting forth policies, practices and procedures dealing with students or other persons who bring illegal drugs, alcohol or weapons on a school campus. Such discipline plan shall also include uniform drug-free school policies with uniform penalties. Any person who violates policies concerning illegal drugs, alcohol or weapons adopted by the local school system shall be arrested on the appropriate warrant, if any criminal charge arises from such conduct, signed by the appropriate school authority. If that person is a student enrolled in any public school in the state of Alabama, the local school system shall immediately suspend that person from attending regular classes and schedule a hearing at the earliest possible date. The decision to suspend and/or initiate criminal charges against a student shall include a review and consideration of the student's exceptional status, if applicable, under chapter 39, Title 16, Code of Alabama 1975, or appropriate federal, statutory and case law. If any person is found guilty of violating this policy at a hearing caused to be held by the local board of education, such person shall not be admitted to the public schools of this state until any criminal charges or offenses arising from such conduct have been disposed of by proper authorities, and such violator(s) have satisfied all other requirements imposed by the local school system as a condition for readmission.

(b) No person found guilty of violating a weapons policy may be readmitted to the public schools of this state without psychiatric or psychological counseling and an accompanying report in writing to the local

board of education that the person does not represent a threat to the safety or security of any student or employee of the local school system. It is the intent of the legislature that all persons violating policies concerning illegal drugs, alcohol or weapons be prosecuted under appropriate laws of the state of Alabama and removed from the school environment until such time as the safety of all students and employees can be ensured.

(c) (1) A copy of the school system's discipline plan shall be distributed to all students enrolled in the system and their parents, guardians or custodians shall read the plan and sign a statement verifying that they have been given notice of the discipline policies of their respective school system. The school board shall have its official discipline plan legally audited on an annual basis to ensure that its policies and procedures are currently in compliance with applicable statutes, case law, and state and federal constitutional provisions.

(2) All discipline plans of school systems shall include, but not be limited to, the following:

a. A parent, guardian or custodian of a minor child enrolled in a public school system shall be responsible financially for such child's destructive acts against school property or persons;

b. A parent, guardian or custodian of a minor child enrolled in a public school system may be requested to appear at school by an appropriate school official for a conference regarding acts of the child specified in subsection (a) of this section; and

c. A parent, guardian or custodian of a minor child enrolled in a school system who has been summoned by proper notification by an appropriate school official shall be required under this provision to attend such discipline conference specified in paragraph b. of this subdivision (2).

(3) Any public school system shall be entitled to recover actual damages, plus necessary court costs, from the parent and/or guardian of any minor who maliciously and willfully damages or destroys property belonging to such school system. However, this section shall not apply to parents whose parental control of such child has been removed by court order or decree or to parents of exceptional children with specific mental and physical impairments if the damage is determined to result from such impairments. The action authorized in this section shall be in addition to all other actions which the school system is entitled to maintain and nothing in this section shall preclude recovery in a greater

amount from the minor or from a person, including the parents and/or guardian, for damages to which such minor other person would otherwise be liable.

(4) The provisions of this section shall apply only to acts committed on or after August 1, 1992.

(d) The local school board shall adopt and make available to all teachers, school personnel, students and parents or guardians, at the beginning of the 1992-1993 school year and each school year thereafter, a code of student conduct developed in consultation with teachers, school personnel, students and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and may be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to:

(1) Specific grounds for disciplinary action;

(2) Procedures to be followed for acts requiring discipline; and

(3) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy and participation in school programs and activities.

(e) Except in the case of excessive force or cruel and unusual punishment, no certified or non-certified employee of the state board of education or any local board of education shall be civilly liable for any action carried out in conformity with state law and system or school rules regarding the control, discipline, suspension and expulsion of students.

Section 23. The legislature directs the state board of education to develop a financial tracking and reporting system of all funds allocated by the Alabama Special Educational Trust Fund appropriations act to the local school system and the local schools in each system. Such systems shall be fully implemented no later than the 1994-95 school year.

Section 24. The legislature does hereby designate the Alabama Education Study Commission as a Standards on Excellence Commission. The commission is currently responsible for examining the public elementary and secondary schools and making an annual report on the status of public education to the general public, the legislature and the

Governor of the state of Alabama. It is the intent of the legislature that the Alabama Education Study Commission shall examine the required courses, testing programs for teacher candidates, promotion and retention standards, student assessment programs and the performance-based accreditation standards, as well as overall compliance under this act, and report its findings to the Governor, legislature and the state board of education.

Section 25. Any and all mandates contained in the provisions of this act shall be mandated only to the extent that funds are appropriated or otherwise made available for the purposes of implementing such mandate.

Section 26. It is the intent of the legislature that any board, commission, council or similar body designated or created pursuant to this act shall have equitable representation of minorities in proportion to their percentage of the population of the state of Alabama.

Section 27. The definitions hereinabove set forth shall be deemed applicable whether the words defined are used in the singular or plural. Any pronoun used herein shall be deemed to include both the singular and the plural and to cover all genders.

Section 28. The provisions of this act shall not discriminate on the basis of race, sex, religion or national origin.

Section 29. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 30. All laws or parts of laws which conflict with this act are hereby repealed.

Section 31. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Preuitt, Waggoner, and Windom

Nays:

- 0

Senator Little offered the following amendment to the Bill, SB 459, as amended by the substitute, to-wit:

**AMENDMENT TO SB 459, AS AMENDED**

On page 3, line 18, delete the following language: "16-40-1,"

On page 3, line 20, delete the language ", 16-40-6, 16-40-7 and 16-40-8" and insert in lieu thereof:

and 16-40-6

On page 25, line 3, delete the following language: "16-40-1,"

On page 25, line 4, delete the language ", 16-40-6,"

On page 25, line 5, delete the language "16-40-7 and 16-40-8" and insert in lieu thereof:

and 16-40-6

Which was adopted.

Yeas 15 Nays 8

Yeas:

Senators:

Bailey, Bolling, Campbell, deGraffenried, Denton, Dixon, Foshee, Ghee, Hale, Little, Mitchell, Mitchem, Preuit, Waggoner, and Windom -15

Nays:

Senators:

Bedsole, Bennett, Dial, Ellis, Floyd, Hilliard, Lindsey, and Wilson - 8

Senator Little then offered the following amendment No. 2, to the Bill, SB 459, as amended by the substitute, as amended, to-wit:

**AMENDMENT NO. 2 TO SB 459, AS AMENDED**

On page 21, lines 5 and 6, delete the following language: "physical education,".

Which was lost.

**REGULAR SESSION  
24th Day**

1531

Yeas 10   Nays 13  
Abstaining 1

Yeas:

Senators:

Bailey, Campbell, deGraffenried, Dixon, Lipscomb, Little, Mitchem,  
Preuitt, Smith (J), and Waggoner -10

Nays:

Senators:

Bennett, Bolling, Corbett, Denton, Ellis, Floyd, Foshee, Hale, Hilliard,  
Langford, Lindsey, Wilson, and Windom -13

Abstaining: Senator Parsons - 1

Senator Bennett offered the following amendment to the Bill, SB 459, as amended by the substitute, as amended, to-wit:

**AMENDMENT TO SB 459, AS AMENDED**

Amend SB 459, as amended, on Page 20, line 22, by striking the figure:

"6"

and inserting in lieu thereof the figure:

"7".

Which was adopted.

Yeas 20   Nays 0

Yeas:

Senators:

Bennett, Bolling, Corbett, Denton, Dial, Dixon, Ellis, Floyd, Ghee,  
Hale, Hilliard, Langford, Lipscomb, Little, Mitchem, Parsons, Preuitt,  
Waggoner, Wilson, and Windom -20

Nays: - 0

Senator Dixon offered the following amendment to the Bill, SB 459, as amended by the substitute, as amended, to-wit:

**AMENDMENT TO SB 459, AS AMENDED**

Amend Senate Bill No. 459, as amended, on Page 20, Line 9, by

deleting:

"Four years (equivalent of four credit units) of mathematics" to read "three years (equivalent of three credit units) of mathematics;" and

On Page 20, line 13, by deleting:

"Four years (equivalent of four credit units) of science" to read "three years (equivalent of three credit units) of science."

Which was lost.

Yeas 3 Nays 21

Yeas:

Senators:

Dixon, Hilliard, and Mitchem

- 3

Nays:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Ellis, Floyd, Foshee, Hale, Lindsey, Little, Mitchell, Preuit, Sanders, Smith (J), Waggoner, Wilson, and Windom -21

Senator Amari offered the following amendment to the Bill, SB 459, as amended by the substitute, as amended, to-wit:

#### AMENDMENT TO SB 459, AS AMENDED

Amend Senate Bill No. 459, as amended, on Page 37, Line 21, as follows:

after the word presents strike the following words: "written documentations"

and adding the following in lieu thereof:

"a letter"

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Campbell, Corbett, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Preuit, Sanders, Waggoner, and Windom -24



Nays:

- 0

Senator Waggoner offered the following amendment to the Bill, SB 459, as amended by the substitute, as amended, to-wit:

**AMENDMENT TO SB 459, AS AMENDED**

On page 37, line 23, after the period add the following:

The name of the child shall not be disclosed publicly and the letter from the medical physician shall be destroyed by the superintendent two years after the action by the local board of education so that the letter shall not become a part of the child's records.

Which was adopted.

Yeas 21 Nays 1

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, Denton, Dixon, Ellis, Floyd, Foshee, Hale, Hilliard, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Preuit, Waggoner, Wilson, and Windom -21

Nay: Senator Sanders

- 1

Senator Dixon offered the following amendment No. 2 to the Bill, SB 459, as amended by the substitute, as amended, to-wit:

**AMENDMENT TO SB 459, AS AMENDED**

On page 19, between lines 8 and 9, insert the following:

(f) The commission shall assume possession and control of all records, papers, equipment, supplies, and all other tangible property possessed and controlled by the department of education in its performance of functions or duties transferred to the commission pursuant to the provisions of this act. Further, all officers, employees, and agents of the department of education who are employed in the performance of a function or duty which shall be vested in the commission pursuant to the provisions of this act shall be automatically transferred to the commission. The status, position, and rights of persons so transferred shall not be affected by the transfer, in and of itself, and such persons shall retain, inter alia, all rights of rank or grade, rights to annual leave, sick pay and leave, rights under any retirement or personnel plan, and any other rights under any law or administrative policy.

(g) It is the further intent of this act to transfer to the commission all functions previously performed by the state board of education and/or the state department of education with regard to teacher certification and all functions related thereto including specifically the development and administration of the teacher certification test.

Which was lost.

Yeas 10 Nays 12

Yeas:

Senators:

Bedsole, deGraffenried, Dial, Dixon, Floyd, Lipscomb, Little, Mitchem, Sanders, and Waggoner -10

Nays:

Senators:

Bailey, Bennett, Bolling, Campbell, Corbett, Ellis, Foshee, Hilliard, Lindsey, Mitchell, Preuitt, and Windom -12

Senator Bennett offered the following amendment No. 2 to the Bill, SB 459, as amended by the substitute, as amended, to-wit:

#### AMENDMENT TO SB 459, AS AMENDED

Amend Senate Bill 459, as amended, on Page 40, Line 25, by adding the following language:

"(e) The provisions of this section shall not be used to reduce the minority-majority ratio of any school in a school district which adopts a schools of choice plan."

Which was adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Hilliard, Lindsey, Lipscomb, Little, Mitchem, Preuitt, Sanders, Waggoner, Wilson, and Windom -21

Nays:

- 0

And said Bill, SB 459, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 24 Nays 3

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Foshee, Ghee, Hale, Hilliard, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Preuitt, Sanders, Waggoner, Wilson, and Windom -24

Nays:

Senators:

Amari, Dixon, and Parsons

- 3

### BUDGET ISOLATION RESOLUTION

Senator Hale, B.I.R., SB 411, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Ellis, Foshee, Ghee, Hale, Hilliard, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Preuitt, Sanders, Smith (J), Waggoner, Wilson, and Windom -26

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 411.** To amend Section 2-3-22 of the Code of Alabama 1975, which states that the operation of any facility or market constructed under this article shall be under the commissioner of agriculture and industries and that he is empowered to employ personnel in the unclassified service to now allow the commissioner to employ one person in the unclassified service for each market owned, controlled, or managed by the board or department of agriculture and industries.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried,

Denton, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Hilliard, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Preuitt, Sanders, Smith (J), Waggoner, Wilson, and Windom -27

Nays: - 0

### BUDGET ISOLATION RESOLUTION

Senator Mitchem requested and received permission to suspend the Rules in order to bring up the Bill, SB 103.

Senator Mitchem, B.I.R., SB 103, adopted.

Yeas 21 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Bennett, Campbell, deGraffenried, Denton, Dial, Dixon, Foshee, Ghee, Hale, Hilliard, Lipscomb, Little, Mitchell, Mitchem, Preuitt, Sanders, Waggoner, Wilson, and Windom -21

Nay: Senator Amari - 1

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 103.** To provide for an appropriation from the Alabama Special Educational Trust Fund to the Blount County Board of Education (J. B. Pennington High School) for the fiscal year ending September 30, 1992.

was taken up.

Senator Mitchem offered the following substitute for the Bill, SB 103, to-wit:

### SUBSTITUTE FOR SB 103

#### A B I L L T O B E E N T I T L E D A N A C T

To provide for an appropriation from the Alabama Special Educational Trust Fund to the Blount County Board of Education (J. B. Pennington High School) for the fiscal year ending September 30, 1992.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. For the fiscal year ending September 30, 1992, there is hereby appropriated to the Blount County Board of Education for replacing the burned out J. B. Pennington High School at Gilbertown, from the Alabama Special Educational Trust Fund, the sum of three million dollars (\$3,000,000).

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Hilliard, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Preuitt, Sanders, Waggoner, Wilson, and Windom -24

Nays:

- 0

And said Bill, SB 103, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Lindsey, Lipscomb, Mitchell, Mitchem, Preuitt, Sanders, Smith (J), Waggoner, and Wilson -22

Nays:

- 0

**RESOLUTIONS**

Senator Sanders requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 129. NAMING THE "MARTIN LUTHER KING, JR., HIGHWAY."**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate those portions of State Highway 14 in Dallas, Perry, Hale and Greene Counties as the "Martin Luther King, Jr., Highway."

BE IT FURTHER RESOLVED, That the proper officials are authorized to erect and maintain appropriate signs and markers so designating said highway portion as the "Martin Luther King, Jr., Highway," and that further the Alabama State Highway Department be advised, by copy of this resolution, of this memorial designation by the Alabama Legislature.

On motion of Senator Sanders, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Hilliard requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 130. NAMING THE MARTIN LUTHER KING, JR., HIGHWAY IN BESSEMER, ALABAMA.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of Alabama Highway 150 within the city limits of Bessemer, Alabama, is hereby named in honor of the late Martin Luther King, Jr., and is officially designated as the "Martin Luther King, Jr., Highway."

BE IT FURTHER RESOLVED, That the proper officials are herein authorized to erect and maintain appropriate signs and markers so designating said highway portion as the "Martin Luther King, Jr., Highway."

On motion of Senator Hilliard, the Rules were suspended and the Resolution was adopted by the Senate.

**POINT OF PERSONAL PRIVILEGE**

Senators Amari and Parsons requested that the Journal show that they voted "Nay" on the adoption of the Resolution, SJR 130.

**BUDGET ISOLATION RESOLUTION**

Senator Foshee requested and received permission to suspend the

Rules in order to bring up the Bill, SB 513.

Senator Foshee, B.I.R., SB 513, adopted.

Yeas 25 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Hilliard, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Preuitt, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nay: Senator Amari

- 1

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 513.** To provide for and establish investigators for the Office of the Attorney General; and to provide for the hiring, salaries, expenses, authority and duties of such investigators.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, SB 513, to-wit:

#### AMENDMENT TO SB 513

Amend Senate Bill 513, on Page 3, Line 6, by adding a new paragraph as follows:

Notwithstanding anything herein to the contrary the total number of investigators whose salaries are paid with more than fifty percent of state funds including current merit system employees shall not exceed fifteen. It is further provided that nothing contained herein shall authorize the dismissal of current merit system employees.

On motion of Senator Foshee said amendment was laid on the table.

Senator Windom offered the following substitute for the Bill, SB 513, to-wit:

#### SUBSTITUTE FOR SB 513

#### A B I L L T O B E E N T I T L E D A N A C T

To provide for and establish investigators for the Office of the

Attorney General; providing for the hiring, salaries, expenses, authority and duties of such investigators.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. The Attorney General is hereby authorized to appoint a chief investigator for such office and up to seven additional investigators as the Attorney General may from time to time deem necessary. Such investigators shall serve at the pleasure of the Attorney General.

Section 2. The compensation, salaries, expenses and benefits for such investigators shall be provided from funds which may be now or hereafter available to the Attorney General.

Section 3. The chief investigator and other investigators appointed pursuant to the provisions of this Act shall be compensated at a rate to be set by the Attorney General. In setting the rate of compensation the Attorney General may take into consideration that amount paid to other law enforcement officers of the State of Alabama, including but not limited to those officers of corresponding duties, lengths of service and responsibilities in the State Department of Public Safety.

When designating the salaries, the Attorney General shall choose from among the salary ranges set by the State Personnel Board for employees of the Alabama Department of Public Safety.

The establishment of the range and step within the range of the starting salary shall be at the discretion of the Attorney General upon the appointment of each investigator and may vary between persons so appointed.

All investigators appointed pursuant to the provisions of this Act shall be entitled to all benefits provided employees of the Alabama Department of Public Safety, including but not limited to participation in any retirement plan afforded state troopers. Provided, however, such investigators shall be appointed by and serve at the pleasure of the Attorney General.

The salaries, expenses and benefits of the investigators appointed pursuant to the provisions of this Act shall be paid from the state treasury in the same manner that the salaries, expenses and benefits of employees in the classified service are paid.

Section 4. Investigators appointed pursuant to the provisions of this Act shall have all of the powers vested in deputy sheriffs and all



other law enforcement officers of the State of Alabama, including but not limited to, the powers of arrest and the power to serve any and all process and shall perform such duties, responsibilities and function as may be assigned by the Attorney General.

Section 5. No person shall serve as an Attorney General's investigator who has not met the minimum standards established for law enforcement officers by the Alabama Peace Officers' Standards and Training Commission or such other standards as may be hereafter provided by law.

Investigators appointed pursuant to the provisions of this Act shall meet such other additional standards as the Attorney General may adopt.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Hilliard, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Preuit, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

And said Bill, SB 513, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Hilliard, Horn, Lindsey, Lipscomb,

Mitchell, Mitchem, Parsons, Preuitt, Sanders, Smith (J), Waggoner,  
Wilson, and Windom -26

Nays: - 0

### REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 93	SJR 100	SB 40
SJR 94	SJR 103	SB 44
SJR 96	SJR 104	SB 81
SJR 98	SJR 108	SB 82
SJR 99	SJR 109	

Delivered to the Governor, June 27, 1991, at 4:25 P.M.

McDOWELL LEE,  
Secretary of Senate.

### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

### ADJOURNMENT

At 8:20 P.M., on motion of Senator Parsons in accordance with Motion and Joint Resolution heretofore adopted, and pending further consideration of the Bills, HB's 551, 552, 553, 555, and 556, the Senate adjourned until Tuesday, July 9, 1991, at 11 o'clock A.M.

## **TWENTY-FIFTH LEGISLATIVE DAY**

**TUESDAY, JULY 9, 1991**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Gary M. Aldridge, Pastor, Woodley Baptist Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Race Cannon, Opelika High School, Opelika, Alabama.

### **ROLL CALL**

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**JIM PREUITT,**  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Preuitt, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**RULE 11 SUSPENDED**

Senator Windom moved that Senate Rule 11 be suspended for the Twenty-Fifth Legislative Day in order to allow Senators to introduce Bills, which motion was adopted.

**UNFINISHED BUSINESS****BILLS ON THIRD READING**

The Senate proceeded to consideration of the first item of Unfinished Business for today, which was the Bill:

**H. 551.** To amend Section 8-17-87 of the Code of Alabama, 1975, as amended, by increasing the inspection fee for gasoline by \$.075 per gallon and by increasing the inspection fee for diesel fuel, except diesel fuel used for certain special purposes by \$.075 per gallon and to amend Section 8-17-91 of the Code of Alabama, 1975, as amended, by providing that the proceeds from the increase in the gasoline and diesel fuel inspection fee shall be paid into the State Treasury and deposited into the Alabama Economic and Developmental Highway Trust Fund of the State Highway Department.

and pending Campbell amendment to the Windom substitute, which said amendment and substitute are set out in the Journal of the Senate for the Twenty-Third Legislative Day.

On motion of Senator deGraffenried, said amendment and substitute were laid on the table.

Senator deGraffenried then offered the following substitute for the Bill, HB 551, to-wit:

**SUBSTITUTE FOR HB 551****A B I L L  
T O B E E N T I T L E D  
A N A C T**

To amend Section 8-17-87 of the Code of Alabama, 1975, as amended, by increasing the inspection fee for gasoline by \$.075 per gallon, except gasoline used for certain special purposes, and by increasing the inspection fee for diesel fuel, except diesel fuel used for

certain special purposes, by \$.075 per gallon, such increases to be made over a five-year period, and to amend Section 8-17-91 of the Code of Alabama, 1975, as amended, by providing that the proceeds from the increase in the gasoline and diesel fuel inspection fee shall be paid into the State Treasury and deposited into the Alabama Economic and Developmental Highway Trust Fund of the State Highway Department; to provide for a discount to refiners, storers, distributors, or wholesalers as defined by Section 40-17-30, Code of Alabama 1975; to amend Section 8-17-80 by changing administration and bonding from the commissioner of agriculture and industries to the commissioner of revenue; to provide for deductions from revenues collected under the provisions of this act to be allocated and appropriated to the department of revenue for administration and collection expenses.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 8-17-87 of the Code of Alabama, 1975, as amended, is hereby amended to read as follows:

"Section 8-17-87

(a) An inspection fee is hereby imposed and shall be collected in respect of petroleum products sold, offered for sale, stored or used in the state, the said fee to be measured by the number of gallons and to be at the following rates:

(1) Gasoline, except for gasoline used as fuel to propel aircraft, \$.02 per gallon.

(2) Diesel fuel other than that referred to in subdivisions (a)(5), (a)(6), (a)(7), (a)(8) and (a)(9) of this section, \$.02 per gallon.

(3) Kerosene other than that referred to in subdivisions (a)(5), (a)(6), (a)(7), and (a)(9) of this section, \$.01 per gallon.

(4) Lubricating oil, \$.15 per gallon.

(5) Gasoline, kKerosene or diesel fuel that is of the types customarily used as, and that is intended to be used only as, fuel to propel jet aircraft, one fortieth of \$.01 per gallon.

(6) Kerosene or diesel fuel that is used by the ultimate consumer thereof as motor fuel to operate boats, yachts, ships or other maritime vehicles, whether such boats, yachts, ships or other maritime vehicles are used commercially or for pleasure, one fortieth of \$.01 per gallon.

(7) Kerosene or diesel fuel used (a) by the ultimate consumer thereof to propel or operate tractors and other agricultural equipment which are not operated on public highways but which are used exclusively in preparing and cultivating land, harvesting any agricultural commodity or for other agricultural purposes, including pasture and hay production; provided, however, that the term "tractors" as used herein shall not include automobiles, trucks, pickups, trailers, semitrailers, or other such vehicles, and (b) by the ultimate consumer thereof to propel or operate vehicles used in coal mining, mining land reclamation, or forestry operations which are not operated on public highways, one fortieth of \$.01 per gallon.

(8) Diesel fuel that is of the types customarily used as, and that is intended to be used as, only fuel to propel railroad locomotives, one fortieth of \$.01 per gallon. Diesel fuel of the types referred to in this subdivision shall be inspected in a manner determined and prescribed by the commissioner of agriculture and industries.

(9) Kerosene or diesel fuel used by the ultimate consumer thereof as a solvent or other agent in the treatment or preservation of wood products, one fortieth of \$.01 per gallon.

(10) Gasoline, other than that referred to in subdivision (a)(5), an additional \$.02 per gallon commencing on the effective date of this act, a further additional \$.01 per gallon commencing one year from the effective date of this act, a further additional \$.01 per gallon commencing two years from the effective date of this act, a further additional \$.01 per gallon commencing three years from the effective date of this act, a further additional \$.01 per gallon commencing four years from the effective date of this act and a further additional \$.015 per gallon commencing five years from the effective date of this act.

(11) Diesel fuel other than that referred to in subdivisions (a)(5), (a)(6), (a)(7), (a)(8) and (a)(9) of this section, an additional \$.02 per gallon commencing on the effective date of this act, a further additional \$.01 per gallon commencing one year from the effective date of this act, a further additional \$.01 per gallon commencing two years from the effective date of this act, a further additional \$.01 per gallon commencing three years from the effective date of this act, a further additional \$.01 per gallon commencing four years from the effective date of this act and a further additional \$.015 per gallon commencing five years from the effective date of this act.

(b) It shall be the duty of the person first selling, storing or using any petroleum product in the state to pay such inspection fee except for

gasoline, diesel fuel or lubricating oil sold for use by city and county boards of education, the Alabama Institute for Deaf and Blind, and the Department of Youth Services School District. The inspection fee shall be paid to the ~~commissioner of agriculture and industries~~ department of revenue on or before the twentieth day of each month in respect of all petroleum products sold, stored or used in the state during the preceding month. Each remittance shall be accompanied by a certificate stating that the amount remitted is correct and that the petroleum products so sold, stored or used are of standard not less than the minimum specified for that petroleum product in the standards prescribed by the board pursuant to section 8-17-81.

(c) If, at the time the inspection fee is due, the person liable therefor is unable to ascertain the correct amount of such inspection fee because the use to be made of any gasoline, diesel fuel or kerosene with respect to which the inspection fee is then due has not been or cannot be ascertained at such time, then such person shall pay to the ~~commissioner of agriculture and industries~~ department of revenue as the inspection fee payable with respect to such gasoline, diesel fuel and kerosene, ~~\$.02~~ \$.04 the first year, \$.05 the second year, \$.06 the third year, \$.07 the fourth year, \$.08 the fifth year, and \$.095 thereafter for each gallon of such gasoline, diesel fuel and \$.01 for each gallon of such kerosene.

(d) Upon furnishing proof satisfactory to the commissioner of ~~agriculture and industries~~ revenue that all or any portion of such gasoline, diesel fuel or kerosene with respect to which an inspection fee at the rate of ~~\$.02~~ \$.04 the first year, \$.05 the second year, \$.06 the third year, \$.07 the fourth year, \$.08 the fifth year, and \$.095 thereafter for each such gallon of gasoline or diesel fuel or \$.01 per for each gallon of such kerosene respectively has been paid or has been or will be used for a purpose or purposes specified in subdivisions (a)(5), (a)(6), (a)(7), (a)(8) and (a)(9), then such person shall be entitled to a credit against the amount of inspection fee becoming due from such person on the twentieth day of the then next following calendar month, such credit to be in an amount equal to thirty-nine fortieths of \$.01 for each gallon of kerosene or one thirty-nine fortieths cents the amount paid as described above less one-fortieth of \$.01 for each gallon of gasoline or diesel fuel proved to have been used or to be used for such specified purpose or purposes; provided, that should the credit to which a person is entitled hereunder exceed the amount of the inspection fee becoming due from such person on the twentieth day of the then next following calendar month, then the excess of the credit over the amount of the inspection fee becoming due shall be refunded to such person or, at such person's election, credited against the amount of any inspection fees subsequently becoming due from such person.

(e) ~~The board of agriculture and industries~~ department of revenue shall have authority to promulgate rules and regulations with respect to the form and content of the proof of use which must be supplied by a person seeking such a credit or refund and with respect to the procedure to be followed in applying for such a credit or refund.

(f) The inspection fee provided for in this section shall be paid but once with respect to the same product; but in the event any person fails to make payment as herein provided on or before the date such payment is due, the ~~commissioner of agriculture and industries~~ department of revenue shall add to the inspection fee already due an amount equal to ~~10~~ 25 percent thereof as a penalty for the failure of such person to make such report and payment upon the date provided in this section plus interest at the rate charged by the state for underpayment of state income taxes and shall proceed to collect such inspection fee, together with all costs incident to such collection, including the penalty and interest.

(g) The inspection fee, interest and any penalty added thereto shall constitute and operate as a lien at all times until paid upon any petroleum products sold, offered for sale, stored or used in the state by the person liable for the fee, and shall be immediately enforceable by the ~~commissioner of agriculture and industries~~ department of revenue when due in the same manner as are tax liens upon personal property of a delinquent taxpayer.

(h) The inspection fee provided for in this section is in addition to all other fees and all taxes payable with respect to petroleum products.

(i) Notwithstanding anything to the contrary in this section, no inspection fee or penalty shall be due or payable with respect to petroleum products which are sold, offered for sale, stored or used while they are in interstate or international commerce; but if, after such petroleum products are removed from interstate or international commerce, such petroleum products are sold, offered for sale, stored or used in the state, the fee provided for in this section shall be payable with respect to such petroleum products.

(j) ~~The board of agriculture and industries~~ department of revenue shall have authority to adopt and promulgate reasonable rules and regulations to effectuate the evident intent and purpose of this section with respect to reporting, collection, remittance and payments of the petroleum products inspection fees imposed under this section which shall not conflict with any of the express provisions and requirements of this section.

(k) (1) All persons subject to this section shall keep proper books



and records which will properly and accurately show and reflect, or from which can be readily ascertained, all inspection fees due hereunder.

(2) The commissioner of revenue and his authorized agents and representatives shall have the right at any reasonable time to inspect the books and records of any person subject to said inspection fees. Records of the operation of the persons under this section shall be kept within this state by the persons for not less than two years; provided, that the commissioner of revenue may permit such books and records to be kept without this state upon agreement by any person to defray reasonable travel expenses incurred in inspecting such books and records without the state, or to return the books to the state for such purpose.

(1) The commissioner of the department of revenue is hereby authorized and directed to allow refiners, storers, distributors or wholesalers, as defined by Section 40-17-30, who have been licensed by the department of revenue under the provisions of Section 40-12-191, and who have made bond, as is required under Section 40-12-194, a discount in an amount equal to two percent of the first \$5,000.00 of the inspection fee on gasoline paid and one percent of all amounts of the inspection fee on gasoline in excess of \$5,000.00 under the provisions of Section 8-17-87, as amended, not to exceed in any case \$1,000.00 on fees paid in any one month, the amount of said discount being for the purpose of partially defraying the costs to such licensed and bonded refiners, storers, distributors or wholesalers of making reports to the department of revenue and of maintaining complete and accurate records to the reporting and paying of this inspection fee on gasoline. Whoever defaults in reporting and paying such fees when the same become due and payable to the state shall not be allowed a discount under this section.

The commissioner of the department of revenue shall allow distributors or wholesalers, as defined in Section 40-17-30, who have been licensed by the department of revenue under the provisions of Section 40-12-191, and who have made bond as required in Section 40-12-194, and who remit their state inspection fee on gasoline based on receipts, a discount in an amount equal to two percent of all amounts of the inspection fee on gasoline paid under the provisions of Section 8-17-87, as amended, the amount of said discount, which shall not exceed \$500.00 per month, being for the purpose of partially defraying the cost of losses in volume due to the evaporation shrinkage incurred in the handling of gasoline by such licensed and bonded distributors or wholesalers as defined in this article. The commissioner of revenue is authorized and directed to promulgate reasonable rules and regulations to effectuate the purposes of this section."

Section 2. Section 8-17-91 of the Code of Alabama, 1975, as amended, is hereby amended to read as follows:

"Section 8-17-91

(a) The proceeds from the permit fees, inspection fees, interest and penalties, if any, collected by the ~~commissioner of agriculture and industries~~ department of revenue pursuant to the provisions of Section 8-17-87 (a)(1) through (9) of this division shall be paid into the state treasury and distributed by the state treasurer as follows:

(1) \$175,000.00 of the proceeds received each month shall accrue to the credit of, and be deposited in, the agricultural fund; and

(2) The balance of the proceeds shall be distributed as follows:

a. 13.87 percent of the balance of the proceeds shall be distributed equally among each of the 67 counties of the state monthly. Such funds shall be used by the counties for the following purpose:

When the use is by a county, such use shall be for the construction, including draining, grading, basing, paving, signing and erosion items, of certain high density unpaved roads as herein provided and for the construction or reconstruction of bridges on such high density roads. The use may also be for the reconstruction, resurfacing, restoration and rehabilitation of the paved county roads and bridges or bridge replacement on the county road system. The use may also be for the construction, including draining, grading, basing and paving of certain unpaved roads, and reconstruction of certain paved roads accessing certain public and private recreational facilities and areas.

There is hereby created a committee to be referred to as the secondary road committee comprised of two county engineers appointed by the state highway director, two county commission members appointed by the governor, and the chief of the bureau of secondary roads. The committee members shall serve at the pleasure of the appointing authority. The committee shall elect one of its members to serve as chairman. A quorum of the committee shall consist of no less than three members. Committee members shall serve without compensation.

The secondary road committee shall develop and publish criteria for the designation of high density roads and bridges and for the designation of eligible recreational access roads. The committee may in its discretion provide different criteria for counties according to population,

topography and road mileage. The committee shall also develop and publish minimum design standards, including allowable cost items, for the construction, reconstruction, surfacing, resurfacing, restoration and rehabilitation of such high density roads and bridges and recreational access roads. Criteria and standards developed by the committee shall be published by distributing printed copies thereof to the chairman of each county commission in Alabama no later than 90 days after May 1, 1984. The committee may from time to time amend the criteria and standards developed provided that at least 60 days notice is provided in writing to the chairman of each county commission before the effective date of such amendment. The state highway department shall provide all supplies and clerical help necessary for the committee to execute its responsibilities.

County commissions are hereby required to submit all plans for the use of such proceeds to the highway director or his designee for approval. The highway director or his designee shall review all plans and approve them or disapprove them, based on the criteria and standards developed by the committee.

The funds distributed to the counties under this subsection shall not be commingled with other funds of the county except the counties' portion of the auto license tax distributed under section 40-12-270(a)(1), as amended and shall be kept and disbursed by such county from a special fund only for the purposes hereinabove provided.

The provisions of this section notwithstanding, any county may at any time deposit all or any portion of such proceeds into the county's special RRR fund as provided for in section 40-17-224, and may use the proceeds so deposited for any purpose authorized under said section.

b. \$408,981.00 shall be allocated to the highway department monthly and deposited in the state treasury to the credit of the public road and bridge fund. Such funds are hereby appropriated to the highway department to be used to match federal aid discretionary funds that may from time to time become available to the highway department. In the event that in any fiscal year other highway department funds are insufficient to match the department's regular federal aid apportionment, then at the highway director's recommendation and approval by the governor funds appropriated under this subsection may be used to match said federal aid apportionment.

c. 2.76 percent of the balance of the proceeds shall be allocated among the incorporated municipalities of the state as follows:

1. A portion of the municipalities' share of the balance of the

proceeds that is equal to 45.45 percent of the municipalities' share of the balance of the proceeds shall be allocated equally among the 67 counties of the state.

2. The entire residue of the municipalities' share of the balance of the proceeds being an amount equal to 54.55 percent of the municipalities' share of the balance of the proceeds shall be allocated among the 67 counties of the state on the basis of the ratio of the population of each such county to the total population of the state according to the then next preceding federal decennial census, or any special federal census heretofore held in any county subsequent to the effective date of the 1980 federal decennial census.

3. The amount so allocated or apportioned to each county shall be distributed among the municipalities in the county with respect to which the allocation or apportionment is made, each such distribution among the said municipalities to be on the basis of the ratio of the population of each such municipalities to the total population of all municipalities in the applicable county according to the then next preceding federal decennial census.

4. The population of any municipality incorporated subsequent to the taking of the then next preceding federal decennial census shall be deemed to be the population shown by the census for that municipality taken pursuant to the requirements of section 11-41-4. Any municipality incorporated after September, 1983, shall not participate in the distribution provided for in this section until the fiscal year next succeeding the fiscal year during which it is incorporated, the first distribution to such municipality to be made in respect of receipts of the inspection fee by the state during October of the fiscal year next succeeding the said incorporation.

5. Use of the inspection fee by a municipality shall be for transportation planning, the construction, reconstruction, maintenance, widening, alteration and improvement of public roads, bridges, streets and other public ways, including payment of the principal of and interest on any securities at any time issued by the municipality pursuant to law for the payment of which any part of the net tax proceeds were or may be lawfully pledged; provided, that no part of the balance of the proceeds referred to in this section shall be expended contrary to the provisions of the Constitution; and provided further, that funds distributed to municipalities under the provisions of this division shall not be commingled with other funds of the municipality, except the municipalities' portion of the highway gasoline tax, and shall be kept and disbursed by such municipality from a special fund only for the purposes

hereinabove provided.

d. The balance of the proceeds after a, b and c above have been distributed monthly shall accrue to the credit of and be deposited in the public road and bridge fund.

(b) The proceeds from the inspection fees, and penalties, if any, collected by the department of revenue pursuant to the provisions of section 8-17-87(a)(10) and (11) of this division shall be paid into the state treasury and deposited into the Alabama Economic and Developmental Highway Trust Fund of the state highway department.

~~(b)(c)~~ In the event of the collection hereunder from any person of an amount in excess of the amount of all permit fees, inspection fees, interest or penalties properly and lawfully required to be paid by such person, such person may apply to the ~~commissioner of agriculture and industries~~ department of revenue for a refund of the amount of such overpayment. If such application for refund is approved in whole or in part by the ~~commissioner~~ department of revenue, the ~~commissioner~~ department shall submit to the state comptroller a statement, approved by the state attorney general, setting forth the amount determined to have been overpaid and the date of the overpayment. The state comptroller shall then draw his warrant in favor of the person making such overpayment upon the state treasurer for the amount specified in the said statement, and such amount shall be paid out of current months collections before any distribution is made under subsection (a) or (b) of this section.

~~(c)(d)~~ The application for refund provided for in this section must be filed with the ~~commissioner of agriculture and industries~~ department of revenue within 12 calendar months from the date upon which the overpayment was made, and no amount shall be refunded unless the application therefor is filed within the time prescribed herein.

~~(d)(c)~~ The department of ~~agriculture and industries~~ revenue shall have authority to make and issue rules and regulations relating to the procedure to be followed in filing an application for a refund and for payment of any refund made under this section."

Section 3. Section 8-17-80 of the Code of Alabama 1975 is hereby amended to read as follows:

"(a) The following words and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) **GASOLINE.** Gasoline, naphtha and other liquid motor fuels or any devices or substitutes therefor that are commonly used in internal combustion engines and are there ignited by electric spark.

(2) **DIESEL FUEL.** Those products of petroleum that are commonly used in internal combustion engines and are there ignited by pressure and not by electric spark and that are of the types commonly referred to and known commercially as diesel fuel No. 1 and diesel fuel No. 2; provided, however, that "diesel fuel" shall not mean any petroleum product used in firing steam boilers or combustion generating turbines by compression.

(3) **KEROSENE.** That certain product of petroleum commonly referred to as kerosene and commonly used for illuminating, heating or cooking purposes and other like products of petroleum used for the same purposes for which kerosene is commonly used, regardless of the actual purpose or purposes for which the said kerosene or other product may actually be used; provided, however, that "kerosene" shall not mean any petroleum product used in firing steam boilers or combustion generating turbines by compression.

(4) **LUBRICATING OIL.** Those products of petroleum that are commonly used in lubricating or oiling engines and any devices or substitutes for such products of petroleum.

(5) **PETROLEUM PRODUCTS.** Gasoline, diesel fuel, kerosene and lubricating oil.

(6) **COMMISSIONER.** The Alabama commissioner of agriculture and industries.

(7) **DEPARTMENT.** The Alabama department of agriculture and industries.

(8) **BOARD.** The Alabama board of agriculture and industries.

(9) **STATE.** The state of Alabama.

(10) **PERSON.** Any natural person, firm, partnership, association, corporation, receiver, trust, estate or other entity as well as any other group or combination thereof acting as a unit.

(11) **BRAND.** The trade name or other designation under which a particular petroleum product is sold, offered for sale or otherwise identified.

(12) PERSON FIRST SELLING. Any person, as herein defined, who first sells petroleum products in Alabama on which inspection fees are imposed by this division, unless such first sale is made to a reseller who elects in writing to qualify as a first seller by complying with the following provisions:

a. By making application which shall be approved by the commissioner of ~~agriculture and industries~~ revenue, the reseller shall file with the department of ~~agriculture and industries~~ revenue a bond in an approximate amount equal to the average monthly inspection fee estimated by the commissioner of revenue which will be due by the reseller; provided, that in no case shall the bond be less than \$2,500.00 or more than \$5,000.00. The bond shall be in such form and amount as may be approved by the commissioner of revenue, shall be executed by a surety company licensed and duly authorized to do business in Alabama, shall be payable to the state of Alabama and shall be conditioned upon the prompt filing of true reports and the payment by the reseller to the department of ~~agriculture and industries~~ revenue of any and all inspection fees which are imposed by this division with respect to any petroleum products and which, but for the election made pursuant to this section, would be payable by the person from whom said petroleum products are purchased by the reseller, together with all penalties and interest thereon, and generally upon faithful compliance with the provisions of this division. In lieu of a guaranty bond, the reseller may post Alabama state coupon bonds or United States government bonds under such terms, rules and regulations as may be approved by the commissioner of revenue.

b. In the event that liability upon any bond filed under the provisions of this subsection shall be discharged or reduced, whether by judgment entered, payment made or otherwise, or if in the opinion of the commissioner of revenue any surety on the bond theretofore given shall become unsatisfactory or unacceptable, then the commissioner of revenue may require the filing of a new or additional bond conditioned as hereinabove provided, and, in the event of the failure of any reseller within 10 days after written notice to it by the commissioner of revenue to file such new or additional bond, the commissioner of revenue shall certify such failure to comply to the commissioner of agriculture and industries who shall cancel the permit issued to such reseller.

c. If upon a hearing had by the commissioner of ~~agriculture and industries~~ revenue after five days' written notice to any reseller the commissioner of revenue shall decide that the amount of any existing bond filed by any reseller is insufficient, the commissioner of revenue may order such reseller to file, within 10 days after written notice by the

commissioner of revenue to such reseller, a new or additional bond in such amount as the commissioner of revenue upon said hearing may find reasonably necessary to insure payment of all amounts due or to become due to the state of Alabama, conditioned as hereinabove provided; and, if such new or additional bond is not filed within 10 days after such notice from the commissioner of revenue, the commissioner of revenue shall certify such failure to comply to the commissioner of agriculture and industries who may cancel the permit already issued to such reseller.

d. The commissioner of revenue may reduce the amount of any bond upon written application of any reseller if satisfied that a bond in a reduced amount will insure payment of all amounts due or to become due to the state of Alabama. The total amount of bond or bonds to be given by any reseller under this subdivision shall in no event be less than \$2,500.000 nor more than \$5,000.00; provided, however, that the commissioner of revenue may require such additional bond as may be deemed necessary to insure the prompt payment of all inspection fees on the sale or withdrawal of petroleum products due, or to become due, the state by the reseller, but no demand for additional bond above \$5,000.00 shall be made without first determining from a study of the reseller's financial statement which shall be supplied upon request of the commissioner of revenue that such additional bond is necessary.

e. Any surety on any bond furnished by any reseller, as above provided, shall be released and discharged from any and all liability to the state of Alabama accruing on such bond after the expiration of 60 days from the date upon which surety shall have filed with the department of ~~agriculture and industries~~ revenue written request to be released and discharged; provided, however, that such request shall not operate to relieve, release or discharge such surety from any liability already accrued or which shall accrue before the expiration of such 60-day period. The commissioner of ~~agriculture and industries~~ revenue shall promptly, upon receipt of notice of such request, notify the reseller who furnished such bond of the request of the surety on said bond and, unless such reseller shall file, on or before the expiration of such 60-day period, with the department of ~~agriculture and industries~~ revenue a new bond in the amount and form hereinbefore in this subdivision provided, the commissioner of revenue shall certify such failure to comply to the commissioner of agriculture and industries who shall forthwith cancel the permit of said reseller.

(b) The definitions set forth in this section shall be deemed applicable whether the words defined are herein used in the singular or plural.

(c) Any pronoun or pronouns used herein shall be deemed to



include both singular and plural and to cover all genders."

Section 4. As a first charge against revenues collected under the provisions of this act, to offset its initial costs in administering such collections, there is hereby appropriated to the department of revenue for the fiscal year ending September 30, 1992, the sum of \$500,000.00. The department of revenue shall be appropriated for each fiscal year by the legislature the amount of money necessary to pay all expenses of administering and enforcing this act, which money shall be deducted, as a first charge thereon, from the fees collected under the provisions of this act. After payment of the aforesaid expenses, the balance of the fees collected under the provisions of this act shall be deposited as directed elsewhere in this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective on the first day of the second month following its becoming a law.

Which was adopted.

Yeas 17 Nays 9

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Ellis, Foshee, Ghee, Hale, Lindsey, Little, Mitchell, Mitchem, Preuit, Smith (B), and Waggoner  
-17

Nays:

Senators:

Corbett, Dial, Dixon, Floyd, Langford, Lipscomb, Parsons, Smith (J), and Windom  
- 9

Senator Windom offered the following amendment to Bill, HB 551, as amended by the substitute, to-wit:

**AMENDMENT TO HB 551, AS AMENDED**

Amend HB 551, as amended by the substitute, on Page 3, Line 7, as follows:

delete line 7 beginning with the word "and" and continuing through the word "highways," on line 10

and the words "(a)(5), (a)(6), (a)(7)," on line 13 on page 5.

On motion of Senator deGraffenried said amendment was laid on the table.

Yeas 22 Nays 7

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Preuitt, Smith (B), Smith (J), and Waggoner -22

Nays:

Senators:

Campbell, Corbett, Floyd, Langford, Parsons, Wilson, and Windom - 7

Senator deGraffenried then offered the following amendment to the Bill, HB 551, as amended by the substitute, to-wit:

#### AMENDMENT TO HB 551, AS AMENDED

Amend House Bill 551, as amended by the substitute, on Page 1, line 30, by deleting the word "and" and inserting in lieu thereof the following: "with \$50,000 monthly being deposited to the credit of the Agricultural Fund and the balance".

Further amend House Bill 551 as substituted on Page 13 by deleting lines 1 through 3 in their entirety and inserting in lieu thereof the following:

of this division shall be distributed as follows:

(1) \$50,000.00 of the proceeds received each month shall be deposited to the credit of, and be deposited in, the agricultural fund; and

(2) The balance shall be paid into the State Treasury and deposited into the Alabama Economic and Developmental Highway Trust Fund of the State Highway Department.

Which was adopted.

Yeas 22 Nays 4

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Ghee, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), and Waggoner -22

Nays:

Senators:

Corbett, Floyd, Wilson, and Windom

- 4

Senator Dial offered the following amendment to the Bill, HB 551, as amended by the substitute, as amended, to-wit:

**AMENDMENT TO HB 551, AS AMENDED**

Amend House Bill 551, as amended by the substitute, as amended, on page 8, line 25 after the period by inserting the following:

"to provide a limitation on the total state and local fuel taxes and inspection fees of Alabama counties bordering on our adjacent states;"

Further amend the bill, as amended by the substitute, as amended, by inserting the following new Section 2 and by renumbering the remaining Sections accordingly:

"Section 2. It is further provided and it is the intent of the Legislature that the total state and local tax and inspection fees imposed on gasoline or motor fuel in Alabama counties which border an adjacent state shall not exceed by more than two cents per gallon the total of the state and local taxes and fees imposed in the nearest county of said adjacent state. In the event that the limitation provided for in this Section is exceeded, the state's fuel inspection fees shall first be reduced and secondly, the state's fuel tax shall be reduced until compliance with this Section is complete."

On motion of Senator deGraffenried, said amendment was laid on the table.

Yeas 15 Nays 10

Yeas:

Senators:

Bedsole, Bennett, deGraffenried, Denton, Ellis, Floyd, Foshee, Ghee, Lindsey, Mitchell, Owens, Parsons, Preuitt, Smith (B), and Waggoner -15

Nays:

Senators:

Bailey, Campbell, Corbett, Dial, Dixon, Langford, Little, Smith (J),  
Wilson, and Windom

-10

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills and finds same correctly engrossed, to-wit:

**S. 103.** To provide for an appropriation from the Alabama Special Educational Trust Fund to the Blount County Board of Education (J. B. Pennington High School) for the fiscal year ending September 30, 1992.

Also:

**S. 513.** To provide for and establish investigators for the Office of the Attorney General; providing for the hiring, salaries, expenses, authority and duties of such investigators.

Also:

**S. 459.** To give the act a title; to enumerate the goals of this act; to amend section 16-23-3, Code of Alabama 1975, to require the state board of education to adopt policies authorizing under certain circumstances alternative certificates to be issued regardless of whether the recipient is a graduate of an approved teacher program; to provide that persons receiving alternative certificates for three consecutive years may under certain circumstances be granted a teaching certificate pursuant to section 16-23-1, Code of Alabama 1975, and become eligible for continuing service status; to provide for emergency certificates; to provide that time served pursuant to an alternative certificate shall be counted in determining continuing service status; to amend sections 16-3-16, 16-23-14, and 16-23-15, Code of Alabama 1975, consistent with Chapter 23 of Title 16, Code of Alabama 1975, as amended; to establish a Professional Teachers Standards Commission and to provide for the designation or development of an entry-level pre-certification examination for teacher candidates in Alabama; to amend section 16-3-15, Code of Alabama 1975, by defining "required courses" and "elective courses" and by requiring the state board of education to

mandate certain required courses for grades 9 through 12 in public schools beginning with students entering the 9th grade in the 1992-93 academic year, and by authorizing the state board of education to approve elective courses in public schools, and by providing that in the event a city or county board of education has met certain specified conditions then such local board may approve elective courses in addition to the required courses set forth and elective courses approved by the state board of education, provided, however, that if a local board approves an elective course previously approved by the state board of education then the local board is required to use any course content approved by the state board of education for such elective, and by providing that in the event a city or county board of education has not met certain specified conditions then such local board shall offer only elective courses approved by the state board of education, and by providing that the state board of education shall adopt policies, procedures, rules, regulations, and/or standards to require that certain courses must be taken and successfully passed by every student enrolled in grades 9 through 12 of public schools prior to receipt of a diploma, phased in beginning with students entering the 9th grade in the 1992-93 academic year, providing, however, for students identified as eligible for special education services, and by providing that the state board of education shall adopt policies, procedures, rules, regulations, and/or standards to require that a certain number of elective courses must be successfully passed by a student in grades 9 through 12 of public schools prior to such student's graduation or receipt of a diploma, phased in beginning with students entering the 9th grade in the 1992-93 academic year, by providing that the state board of education shall adopt other provisions necessary to fully implement this section so long as such provisions are consistent with all requirements, restrictions, definitions, and limitations of this section, and by providing that the state board of education shall require that certain courses be taught in grades one through eight in all public schools, phased in beginning with students entering grades one through eight in the 1992-93 academic year, and by providing that the state board of education shall adopt necessary policies, procedures, rules, regulations and/or standards to encourage college and university departments of education to review existing educational programs to ensure that prospective teachers are properly prepared; to amend section 16-35-1, Code of Alabama 1975, as amended, by expanding the courses of study committee; to repeal sections 16-40-2, 16-40-3, 16-40-4, 16-40-5.1, 16-40-5.2, 16-40-5.3, 16-40-5.4 and 16-40-6, Code of Alabama 1975, effective August 1, 1992; to require the state board of education to adopt learner outcomes defining what students must know to compete nationally and internationally; to require the state board of education policies to require mechanisms to receive feedback from higher education institutions and the business community; to require the

state board of education to eliminate social promotion of students by strengthening promotion and retention standards required of all local school systems; to require local boards of education to provide counseling, tutorial assistance, and remediation when necessary to ensure that students are literate in the skills identified in the required courses of study and have achieved standards of the grade level of learning on course content; to direct to the state board of education to establish a performance-based accreditation system for all city and county school systems and all public schools to supplement the existing accreditation system; to direct the state board of education to establish specific guidelines and minimum performance levels which reflect the standards required for accreditation and to identify certain standards required for accreditation, which standards shall include a measurement of the academic performance of each school and school system and shall be directly linked with the student assessment program as provided for in this act; to provide that such accreditation standards shall include minimum requirements for science instructors; to require each city or county school system to submit to the state board of education information as may be required to determine its accreditation status; to provide a means of classifying schools and school systems as excellent, satisfactory or probationary, and providing further for an annual report to be known as the "Report Card on Our Schools and School Systems"; to require non-accredited and accredited probationary city or county school systems to develop education improvement plans subject to the approval of the state superintendent of education and designed to cause such school system and each public school to meet standards and minimum performance required for accreditation; to establish a procedure for any member of the public to lodge a complaint against any school or school system if the complaining person has reason to believe such school or school system is falling below the minimum performance standards established herein; to allow the state superintendent of education to intervene in the operation of a non-accredited school system temporarily in the event that such board fails to implement an education improvement plan or is unable or unwilling to meet the standards and minimum performance levels to be accredited; to provide for a lengthened school term of 179 actual teaching days, phased in with one additional teaching day annually from 1992 through 1996; to provide that any employee required to work an additional day or days shall be compensated with a corresponding additional day or days' pay in addition to any cost of living adjustment; to create the Alabama Council on Family and Children for the purpose of coordinating services supporting early childhood development and family involvement in education, to specify the membership of the council, to direct the Alabama Council on Family and Children to submit to the Governor and the legislature recommendations concerning the federally sponsored Head Start Programs and state-

sponsored Head Start type programs, including pilot testing thereof, to establish criteria for recognizing preschool students in need of readiness skills and the development of summer programs to aid such students, and to direct the Alabama Council on Family and Children to recommend programs of instruction in professional development for public school instructors, teachers and administrators involved in early childhood development; to amend section 16-28-4, Code of Alabama 1975, to provide that before a child may be admitted to the first grade in the public schools such child must have completed one year of kindergarten in either public, private or church school kindergarten; to define "schools of choice" and "school system," to authorize county and city boards of education to implement a Schools of Choice plan for use within their respective school systems consistent with federal and state constitutional, statutory, and administrative provisions of law, including applicable federal or state court orders including but not limited to all applicable federal court desegregation orders, where such plan is adopted by either a resolution of the respective city or county board, or a majority of voters within a particular jurisdiction at a referendum called by a resolution of the respective county or city board of education and held in accordance with special election laws, to require city and county boards to report to the state superintendent and certify compliance of local Schools of Choice plans with applicable federal or state court orders including but not limited to all applicable federal court desegregation orders, and applicable federal and state constitutional, statutory, and administrative provisions of law, to require the state superintendent to submit an annual Schools of Choice report to the state board of education; to require the state board of education to adopt a program to implement a complete, valid and reliable assessment of student achievement in the core curriculum courses for students, and to correlate the results of such tests with the development of promotion and retention standards as required by this act; to include as part of the assessment certain mandatory student examinations; to require the state board of education to develop and implement an aptitude assessment program; to direct the state board of education to establish a goal of increasing the scale score for passing the Alabama High School Graduation Exam over the next three scholastic years beginning with the exam to be given in the fall of 1992, and direct the state board of education to continually revise the Alabama High School Graduation Exam to ensure that said exam measures the skills and knowledge expected of high school graduates; to provide that all students who participate in work-related programs requiring those students to leave school for more than one instructional period during their regular school day shall have met or exceeded the minimum acceptable level of performance in a test of basic skills; to require the state board of education to adopt a mandatory and enforceable attendance policy for all students, which policy shall recog-

nize that it is the responsibility of every parent or guardian to ensure his/her child is regular in public, private, or church-school school attendance, and parents shall be held accountable for the failure of the child who is of compulsory attendance age to attend; to provide for increased utilization of advanced technology in Alabama public schools and teacher training programs; to establish a Council on Adult Education and specify the membership thereof, which will develop long-range recommendations and an inventory of adult education programs and report to the 1992 regular session of the legislature; to provide the Council on Adult Education with support staff provided by the Alabama department of postsecondary education and the state department of education; to require, each public school instructor, teacher, supervisor or administrator to complete a minimum of twelve-clock hours of approved instruction in professional development beginning with the 1992-93 school year; to require the Alabama state board of education to provide courses of instruction in professional development and to specify certain subjects which must be offered; to require any public school instructor, teacher, supervisor or administrator who fails to earn twelve-clock hours of professional development credits by June 15 to submit a plan for making up the deficiency; to require the local superintendent of education to monitor compliance with the minimum credit hours requirement and to report non-compliance by personnel within his jurisdiction to the state superintendent of education; to direct the state board of education to study programs of instruction in professional development designed to develop leadership skills for school system administrators and principals which utilize expertise from private industry; to direct the state board of education to implement a personnel evaluation system to further assist public school personnel in completing the professional development requirements imposed herein; to identify and define students who are at-risk of poor academic performance, failure or dropping out; to direct the state board of education to cause to be developed programs for providing educational and related services reasonably calculated to enable at-risk children to successfully complete the elementary and secondary curriculum; to direct the state board of education to develop pilot alternative programs for students with behavioral or instructional problems which cannot be met in the regular school program; to direct the state board of education to implement a pilot program to determine the optimum teacher-pupil ratios for promoting academic achievement for students who are economically or educationally deprived; to direct the state board of education to monitor, analyze and report to the Governor and the legislature on such pilot programs; to further direct the state board of education to cause to be developed and piloted dropout prevention and recovery programs; to require the state board of education to designate certain schools or school systems as lead schools or school systems for purposes of implementation



of a dropout prevention and retrieval program; to require the state board of education to monitor and provide guidance for schools or school systems with dropout prevention and retrieval programs deemed to be deficient; to direct the state board of education to adopt policies and procedures to implement a comprehensive career awareness program in the middle schools, to place strong emphasis on school counselors to identify students at-risk, to develop professional development programs to prepare teachers for dealing with students at-risk, to encourage business and community involvement, and to increase the graduation rate to 90 percent by the year 2000; to provide for the development of flexible school terms extending over the twelve-month calendar year, with approval by the state board of education; and to provide that school personnel may work extended contract periods provided such personnel are willing and are paid commensurate with the system's salary schedule; to require the state board of education to encourage city and county boards of education to develop site based decision-making programs and innovative programs and methods of instruction for local schools and apply to the state board of education for waiver of any relevant state board of education policy, standard, regulation, and/or procedure, so long as the state board of education policy, standard, regulation, and/or procedure is not expressly required by statute, and providing that the state superintendent of education shall monitor such programs, and providing that no employees shall have diminished or revoked any contractual or due process rights guaranteed by law or policy of the state board of education as a result of the implementation of site based decision-making programs adopted as a result of this act; to require the state board of education to require the state superintendent of education to recommend changes to encourage city and county boards to develop local programs, to require the state board of education to require the state superintendent of education to recommend a plan for grants to city and county boards that restructure local programs to promote educational enhancement at the local level; to require that school boards shall develop and adopt a discipline plan and a code of student conduct, ensuring a safe school environment free of illegal drugs, alcohol or weapons, establishing uniform policies and penalties; to prescribe minimum standards for school discipline and vandalism policies, and to create a cause of action against parents and/or guardians of any minor who damages school property; to provide civil immunity for teachers and other school authorities for carrying out discipline policies in the schools; to require the state board of education to develop a financial tracking and reporting system for all funds allocated by the Alabama Special Educational Trust Fund Appropriation Act to the local school systems and the local schools in each system; to designate the Alabama Education Study Commission as the Standards on Excellence Commission responsible for examining the required courses, testing programs for teacher candidates, promotion

and retention standards, student assessment programs and the performance-based accreditation standards, as well as overall compliance under this act, and to require said commission to report its findings to the Governor, legislature, and state board of education; to provide that any and all mandates contained in the provisions of this act shall be mandated only to the extent that funds are appropriated or otherwise made available for the purposes of implementing such mandates; to provide the intent of the legislature that any board, commission, council or similar body designated or created pursuant to this act shall have equitable representation of minorities; to provide that definitions set forth shall be deemed applicable whether the words defined are used in the singular or plural; to provide that any pronoun used herein shall be deemed to include both the singular and the plural and to cover all genders; to provide for severability; to provide for an effective date.

JIM PREUITT,  
Chairperson.

### FURTHER CONSIDERATION OF HB 551

In accordance with SR 115, the hour of 3 o'clock P.M. having arrived, the Senate proceeded to further consideration of the Bill, HB 551, as amended by the substitute, as amended.

Senator deGraffenried offered the following amendment No. 2, to the Bill, HB 551, as amended by the substitute, as amended, to-wit:

### AMENDMENT NO. 2 TO HB 551, AS AMENDED

Amend HB 551, as amended by the substitute, as amended, on page 18, line 15, after the word, of, by striking the symbol and number, "\$500,000.00" and inserting in lieu thereof the following: "\$650,000.00".

Which was adopted.

Yeas 21 Nays 4

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Ellis, Foshee, Ghee, Hale, Lindsey, Little, Mitchell, Mitchem, Owens, Preuit, Smith (B), and Waggoner

-21

Nays:

Senators:

Corbett, Floyd, Langford, and Windom

- 4

Senator Hilliard offered the following amendment to the Bill, HB 551, as amended by the substitute, as amended, to-wit:

**AMENDMENT TO HB 551, AS AMENDED**

Amend House Bill 551, as amended by the substitute, as amended, by inserting after the word "by" in line 13 on page 4 the following:

"the state or any department or agency thereof, or to any incorporated municipality, county, city or county school boards, state sponsored or private colleges, universities, and institutions of higher education, public corporations created under state law which operate public transit systems, water, sewer, gas or electric utility systems, or to boards or agencies, created pursuant to state law the members of which are appointed by state, county or municipal officers or to private and church school systems as defined in Section 16-28-1 and which offer essentially the same curriculum as offered in grades K-12 in the public schools of this state,"

On motion of Senator deGraffenried, said amendment was laid on the table.

Yeas 17 Nays 16

Yeas:

Senators:

Barron, Bedsole, Bennett, deGraffenried, Denton, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Preuitt, and Smith (B) -17

Nays:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, Dial, Dixon, Ellis, Floyd, Hilliard, Langford, Parsons, Smith (J), Waggoner, Wilson, and Windom -16

And said Bill, HB 551, as amended by the substitute, as amended, was read a third time at length and passed.

Yeas 18 Nays 16

Yeas:

Senators:

Barron, Bedsole, Bennett, deGraffenried, Denton, Ellis, Foshee, Ghee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Preuitt, Smith (B), and Waggoner -18

Nays:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, Dial, Dixon, Figures, Floyd, Hilliard, Langford, Lipscomb, Parsons, Smith (J), Wilson, and Windom -16

Senator deGraffenried moved that the Senate reconsider the vote by which the Bill, HB 551, was passed, and further moved that the motion to reconsider be laid on the table, which motion was adopted.

Yeas 18 Nays 13

Yeas:

Senators:

Barron, Bedsole, Bennett, deGraffenried, Denton, Ellis, Foshee, Ghee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Preuitt, Smith (B), and Waggoner -18

Nays:

Senators:

Amari, Campbell, Corbett, Dixon, Figures, Floyd, Hilliard, Langford, Lipscomb, Parsons, Smith (J), Wilson, and Windom -13

## UNFINISHED BUSINESS

### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the second item of Unfinished Business for today, which was the Bill, HB 552.

### BUDGET ISOLATION RESOLUTION

Senator Foshee, B.I.R., HB 552, adopted.

Yeas 20 Nays 11

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Preuitt, Smith (B), and Waggoner -20

Nays:

Senators:

Amari, Campbell, Corbett, Dial, Dixon, Hilliard, Langford, Lipscomb, Parsons, Smith (J), and Windom -11

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 552.** To levy a supplemental annual license tax or registration fee for each private passenger automobile, using the public highways of this state, in addition to the fees levied in Section 40-12-242 and 40-12-273(a), Code of Alabama, 1975; and to levy a supplemental annual license tax or registration fee on each truck or truck tractor, using the public highways of this state, in addition to the fees levied in Section 40-12-248 of the Code of Alabama, 1975, as amended, and Section 40-12-273(b), Code of Alabama, 1975; to provide that the proceeds from these supplemental fees be deposited in the State Treasury to the credit of the Alabama Economic and Developmental Highway Trust Fund of the State Highway Department.

**PETITION**

At 4:20 P.M., pursuant to the provisions of Senate Rule 21, the following petition was read and ordered spread upon the Journal, to-wit:

**PETITION TO CLOSE DEBATE**

We, the undersigned, petition the Senate, pursuant to Senate Rule 21, that debate on the pending measure HB 552, shall cease at 4:55 P.M., on July 9, 1991.

RYAN DEGRAFFENRIED, JR.  
E. C. FOSHEE  
FRED HORN  
WALTER OWENS  
BILL SMITH  
BOBBY DENTON  
B. DON HALE  
DOUGLAS GHEE  
WENDELL MITCHELL  
JIM BENNETT

ALBERT LIPSCOMB  
ANN BEDSOLE  
FRANK ELLIS, JR.  
JIM PREUITT  
LOWELL BARRON  
GERALD DIAL  
CHIP BAILEY  
HINTOM MITCHEM  
GEORGE BOLLING  
J. T. WAGGONER

Which was adopted.

Yeas 21   Nays 12

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Lipscomb, Mitchell, Mitchem,

Owens, Preuitt, Smith (B), and Waggoner

-21

Nays:

Senators:

Amari, Campbell, Corbett, Dixon, Figures, Hilliard, Langford, Little,  
Parsons, Smith (J), Wilson, and Windom -12**FURTHER CONSIDERATION OF HB 552**

The hour of 4:55 P.M. having arrived, the Senate proceeded to further consideration of the Bill, HB 552.

And said Bill, HB 552, was read a third time at length and passed.

Yeas 16 Nays 15

Yeas:

Senators:

Barron, Bedsole, Bennett, deGraffenried, Denton, Ellis, Foshee, Hale,  
Horn, Lindsey, Mitchell, Mitchem, Owens, Preuitt, Smith (B), and  
Waggoner -16

Nays:

Senators:

Amari, Bailey, Bolling, Corbett, Dial, Dixon, Figures, Floyd, Langford,  
Lipscomb, Little, Parsons, Smith (J), Wilson, and Windom -15**UNFINISHED BUSINESS****BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the third item of Unfinished Business for today, which was the Bill, HB 553.

**BUDGET ISOLATION RESOLUTION**

Senator Foshee, B.I.R., HB 553, adopted.

Yeas 19 Nays 12

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Ellis,  
Floyd, Foshee, Ghee, Hale, Lindsey, Mitchell, Mitchem, Owens,  
Preuitt, Smith (B), and Waggoner -19

Nays:

Senators:

Amari, Campbell, Corbett, Dixon, Hilliard, Langford, Lipscomb, Little,

Parsons, Smith (J), Wilson, and Windom

-12

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 553.** To amend Section 32-8-6 of the Code of Alabama, 1975, as amended, by imposing an additional fee of \$17.00 for issuing and processing documents related to the Alabama Uniform Certificate of Title and Anti-Theft Act; by increasing the designated agent's fee from \$1.50 to \$2.50 and to provide that the additional fee of \$17.00 shall be deposited into the State Treasury to the credit of the Alabama Economic and Developmental Highway Trust Fund of the State Highway Department; and to amend Section 32-8-7 of the Code of Alabama, 1975, as amended, to increase the designated agent commission fee from \$1.50 to \$2.50.

was taken up.

Senator Foshee offered the following substitute for the Bill, HB 553, to-wit:

**A B I L L  
T O B E E N T I T L E D  
A N A C T**

To amend Section 32-8-6 of the Code of Alabama, 1975, as amended, by imposing an additional fee of \$17.00 for issuing and processing documents related to the Alabama Uniform Certificate of Title and Anti-Theft Act; by increasing the designated agent's fee from \$1.50 to \$2.50 and to provide that a portion of the additional fee of \$17.00 shall be deposited into the Alabama underground storage tank trust fund and the balance be deposited into the State Treasury to the credit of the Alabama Economic and Developmental Highway Trust Fund of the State Highway Department; and to amend Section 32-8-7 of the Code of Alabama, 1975, as amended, to increase the designated agent commission fee from \$1.50 to \$2.50.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 32-8-6 of the Code of Alabama, 1975, as amended, is hereby amended to read as follows:

"Section 32-8-6.

(a) There shall be paid to the department for issuing and

processing documents required by this chapter a fee of \$15.00 and an additional fee of \$17.00 for each of the following transactions:

- (1) Each application for certificate of title;
- (2) Each application for replacement or corrected certificate of title;
- (3) Each application for certificate of title after transfer;
- (4) Each notice of security interest;
- (5) Each assignment by lienholder;
- (6) Each application for ordinary certificate of title upon surrender of a distinctive certificate; or
- (7) Each application for information as to the status of the title of a vehicle.

(b) The designated agents shall add the sum of ~~\$1.50~~ \$2.50 to each document processed for which this fee is charged to be retained as the agent's commission for services rendered, and all other fees collected shall be remitted to the department.

(c) If more than one transaction is involved in any application on a single vehicle and if supported by all required documents, the fee charged by the department and by the designated agent for processing and issuing shall be considered as only one transaction for which the designated agent shall receive and retain ~~\$1.50~~ \$2.50 and shall collect and remit to the department \$15.00, and the additional fee of \$17.00.

(d) The additional fee of \$17.00 remitted to the department shall be used as follows:

(1) At any time that the unobligated balance in the Alabama underground storage tank trust fund created under Section 22-35-4 of the Code of Alabama 1975 is less than ten million dollars, the first four million dollars, or such lesser amount as will increase the unobligated balance to ten million dollars, in the fiscal year ending September 30, 1992, and the first two million dollars, or such lesser amount as will increase the unobligated balance to ten million dollars, in each fiscal year thereafter shall be paid to the Alabama underground storage tank trust fund.

(2) The balance shall be deposited by the department into the State



Treasury to the credit of the Alabama Economic and Developmental Highway Trust Fund of the State Highway Department."

Section 2. Section 32-8-7 of the Code of Alabama, 1975, is hereby amended to read as follows:

"Section 32-8-7.

The probate judge or other county official who is authorized and required by law to issue license plates and who is required to process applications for certificate of title by this chapter may collect and retain a \$1.50 commission fee for each application processed in addition to the ~~\$1.50~~ \$2.50 designated agent commission fee to further defray the cost of processing and mailing of title applications."

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective on the first day of the second month following it becoming a law.

**PETITION**

At 5:20 P.M., pursuant to the provisions of Senate Rule 21, the following petition was read and ordered spread upon the Journal, to-wit:

**PETITION TO CLOSE DEBATE**

We, the undersigned, petition the Senate, pursuant to Senate Rule 21, that debate on the pending cloture motion on HB 553, shall cease at 5:50 P.M., on July 9, 1991, and a vote on said bill and substitute be taken at 5:55 P.M.

RYAN DEGRAFFENRIED, JR.  
E. C. FOSHEE  
FRED HORN  
WALTER OWENS  
BILL SMITH  
WENDELL MITCHELL  
BOBBY DENTON  
B. DON HALE

ALBERT LIPSCOMB  
ANN BEDSOLE  
FRANK ELLIS, JR.  
JIM PREUITT  
LOWELL BARRON  
GERALD DIAL  
CHIP BAILEY  
HINTON MITCHEM

DOUGLAS GHEE  
JIM BENNETTGEORGE BOLLING  
J. T. WAGGONER**POINT OF PERSONAL PRIVILEGE**

Senator Campbell requested that the Journal show that he voted "Nay" on the passage of the Bill, HB 552, and that his vote was incorrectly recorded.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

**H. 135.** To amend Section 1-3-8 of the Code of Alabama 1975 relating to the legal holidays in this state; to provide that National Memorial Day shall be a legal holiday in this state; to provide that Thomas Jefferson's birthday shall be observed in conjunction with George Washington's birthday; to provide further for the observance of Mardi Gras in this state; and to provide for a personal leave day for state employees in lieu of certain holidays.

GREG PAPPAS,  
Clerk.

**FURTHER CONSIDERATION OF CLOTURE PETITION**

The Senate proceeded to further consideration of the Cloture Petition relative to the Bill, HB 553.

Which was lost.

Yeas 18 Nays 14

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, deGraffenried, Denton, Dial, Ellis, Foshee, Ghee, Hale, Horn, Mitchell, Mitchem, Owens, Preuit, Smith (B), and Waggoner

-18

Nays:

Senators:

Bolling, Campbell, Corbett, Dixon, Figures, Floyd, Hilliard, Langford, Lipscomb, Little, Parsons, Smith (J), Wilson, and Windom

-14

**FURTHER CONSIDERATION OF HB 553**

The Senate proceeded to further consideration of the Bill, HB 553. The question was on the Foshee substitute.

And said substitute was then adopted.

Yeas 23 Nays 8

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Ghee, Hale, Horn, Lindsey, Mitchell, Mitchem, Owens, Preuitt, Smith (B), and Waggoner  
-23

Nays:

Senators:

Campbell, Corbett, Floyd, Langford, Little, Smith (J), Wilson, and Windom  
- 8

Senator Little offered the following substitute for the Bill, HB 553, as amended by the substitute, to-wit:

**SUBSTITUTE FOR HB 553, AS AMENDED**

**A B I L L  
T O B E E N T I T L E D  
A N A C T**

To amend Section 32-8-6 of the Code of Alabama, 1975, as amended, by imposing an additional fee of \$17.00 for issuing and processing documents related to the Alabama Uniform Certificate of Title and Anti-Theft Act; by increasing the designated agent's fee from \$1.50 to \$2.50 and to provide that the additional fee of \$17.00 shall be deposited into the State Treasury to the credit of the Alabama Special Education Trust Fund; and to amend Section 32-8-7 of the Code of Alabama, 1975, as amended, to increase the designated agent commission fee from \$1.50 to \$2.50.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 32-8-6 of the Code of Alabama, 1975, as amended, is hereby amended to read as follows:

"Section 32-8-6.

"(a) There shall be paid to the department for issuing and processing documents required by this chapter a fee of \$15.00 and an additional fee of \$17.00 for each of the following transactions:

"(1) Each application for certificate of title;

"(2) Each application for replacement or corrected certificate of title;

"(3) Each application for certificate of title after transfer;

"(4) Each notice of security interest;

"(5) Each assignment by lien holder;

"(6) Each application for ordinary certificate of title upon surrender of a distinctive certificate; or

"(7) Each application for information as to the status of the title of a vehicle.

"(b) The designated agents shall add the sum of ~~\$1.50~~ \$2.50 to each document processed for which this fee is charged to be retained as the agent's commission for services rendered, and all other fees collected shall be remitted to the department.

"(c) If more than one transaction is involved in any application on a single vehicle and if supported by all required documents, the fee charged by the department and by the designated agent for processing and issuing shall be considered as only one transaction for which the designated agent shall receive and retain ~~\$1.50~~ \$2.50 and shall collect and remit to the department ~~\$15.00,~~ and the additional fee of \$17.00.

"(d) The total proceeds of the additional fee of \$17.00 remitted to the department shall be deposited by the department into the State Treasury to the credit of the Alabama Special Education Trust Fund."

Section 2. Section 32-8-7 of the Code of Alabama, 1975, is hereby amended to read as follows:

"Section 32-8-7.

"The probate judge or other county official who is authorized and required by law to issue license plates and who is required to process applications for certificate of title by this chapter may collect and retain a

\$1.50 commission fee for each application processed in addition to the ~~\$1.50~~ \$2.50 designated agent commission fee to further defray the cost of processing and mailing of title applications."

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective on the first day of the second month following its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Senator Foshee, said substitute was laid on the table.

Yeas 16 Nays 14

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, deGraffenried, Denton, Dial, Ellis, Foshee, Horn, Lindsey, Mitchell, Owens, Preuitt, Smith (B), and Waggoner -16

Nays:

Senators:

Bolling, Campbell, Corbett, Dixon, Figures, Floyd, Hilliard, Langford, Lipscomb, Little, Parsons, Smith (J), Wilson, and Windom -14

And said Bill, HB 553, as amended by the substitute, was read a third time at length and passed.

Yeas 18 Nays 14

Yeas:

Senators:

Barron, Bedsole, Bennett, deGraffenried, Denton, Dial, Ellis, Foshee, Ghee, Hale, Horn, Lindsey, Mitchell, Mitchem, Owens, Preuitt, Smith (B), and Waggoner -18

Nays:

Senators:

Amari, Bailey, Campbell, Corbett, Dixon, Floyd, Hilliard, Langford, Lipscomb, Little, Parsons, Smith (J), Wilson, and Windom -14

## UNFINISHED BUSINESS

## BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the fourth item of Unfinished Business for today, which was the Bill, HB 555.

## BUDGET ISOLATION RESOLUTION

Senator Foshee, B.I.R., HB 555, adopted.

Yeas 25 Nays 6

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Mitchell, Mitchem, Owens, Parsons, Preuitt, Smith (B), Waggoner, and Windom -25

Nays:

Senators:

Campbell, Corbett, Hilliard, Langford, Little, and Wilson - 6

## BILLS ON THIRD READING RESUMED

## THE BILL:

**H. 555.** To amend Section 23-6-8 of the Code of Alabama, 1975, as amended, by increasing from \$25,000,000 to \$50,000,000 the amount of bonds the Industrial Access Road and Bridge Corporation can have outstanding at any one time.

was read a third time at length and passed.

Yeas 24 Nays 7

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Mitchell, Mitchem, Owens, Parsons, Preuitt, Smith (B), Waggoner, and Windom -24

Nays:

Senators:

Campbell, Corbett, Dixon, Hilliard, Langford, Little, and Wilson - 7

**COMMITTEE REPORT FILED**

Pursuant to the provisions of Act No. 79-43, the report of the Joint Study Committee on Agriculture was read and ordered filed with the Secretary.

**UNFINISHED BUSINESS**

**BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the fifth item of Unfinished Business for today, which was the Bill, HB 556.

**BUDGET ISOLATION RESOLUTION**

Senator Foshee, B.I.R., HB 556, adopted.

Yeas 23 Nays 6

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Mitchell, Owens, Preuitt, Smith (B), Waggoner, and Windom -23

Nays:

Senators:

Campbell, Corbett, Hilliard, Langford, Little, and Wilson - 6

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 556.** Relating to the purchase of equipment for traffic law enforcement and the appropriation of funds therefore; to appropriate annually out of the Public Road and Bridge Fund of the State Highway Department \$3,500,000 to the Department of Public Safety for the purchase of equipment for traffic law enforcement; to provide for the transfer of funds quarterly from the Public Road and Bridge Fund to the Department of Public Safety.

was taken up.

Senator Little offered the following amendment to the Bill, HB 556, to-wit:

## AMENDMENT TO HB 556

Amend House Bill No. 556 Page 1 Lines 10, 19, and 27:

Delete the figure \$3,500,000 and in lieu thereof insert the figure  
"\$12,500,000"

And furthermore and the word enforcement on line 11, 21, and 29  
insert the following:

and to be utilized exclusively up to \$9,000,000 to fully fund a  
statewide program of driver's education in high schools. Such amount  
to fund said program shall be transferred to the department of education  
which shall implement the provisions of the section as it pertains to  
driver's education.

Senator Foshee moved that said amendment be laid on the table,  
which resulted in a tie vote.

Yeas 15 Nays 15

Yeas:

Senators:

Bailey, Barron, Bedsole, deGraffenried, Denton, Dial, Ellis, Foshee,  
Hale, Horn, Mitchell, Owens, Preuit, Smith (B), and Waggoner -15

Nays:

Senators:

Amari, Bolling, Campbell, Corbett, Dixon, Floyd, Ghee, Hilliard,  
Langford, Lipscomb, Little, Parsons, Smith (J), Wilson, and  
Windom -15

The President and Presiding Officer of the Senate voted "Aye",  
therefore the motion to table prevailed.

And said Bill, HB 556, was read a third time at length and passed.

Yeas 28 Nays 3

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried,  
Denton, Dial, Dixon, Ellis, Floyd, Foshee, Hale, Hilliard, Horn,  
Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuit,  
Smith (B), Smith (J), Waggoner, Wilson, and Windom -28

Nays:

Senators:

Campbell, Corbett, and Little

- 3



**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**SR 131. SPECIAL ORDER CALENDAR.**

**RESOLVED BY THE SENATE** That the following bill shall be the paramount and continuing order of business taking precedence over all other matters until disposed of:

Inst Id	Page
<b>H. 550</b>	164
Provides for Alabama Economic and Developmental Highway system and its trust fund	

On motion of Senator Foshee, the Resolution was adopted by the Senate.

**SPECIAL ORDER**

**BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill, HB 550.

**BUDGET ISOLATION RESOLUTION**

Senator Foshee, B.I.R., HB 550, adopted.

Yeas 21 Nays 11

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Mitchell, Mitchem, Owens, Preuitt, Smith (B), and Waggoner -21

Nays:

Senators:

Amari, Bailey, Campbell, Corbett, Hilliard, Langford, Little, Parsons, Smith (J), Wilson, and Windom -11

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 550.** Relating to Alabama Economic and Developmental

Highways and the financing of an Alabama Economic and Developmental Highway System; to name this Act; to provide definition of certain words and terms contained in this bill; to create a fund in the State Treasury which shall be called the Alabama Economic and Developmental Highway Trust Fund; to describe the Alabama Economic and Developmental Highway System and its purpose; to describe the sources of revenue for this fund; to provide the distribution and appropriation of revenues for the Alabama Economic and Developmental Highway System, County Roads, Urban Projects, and to pay Debt Service on outstanding Industrial Access Road and Bridge Corporation Bonds; to provide that if Alabama Economic and Developmental Highway System projects are constructed with Federal and/or Public Road and Bridge Funds, projects not on the Alabama Economic and Developmental Highway System may be constructed using Alabama Economic and Developmental Highway System Funds; to provide that Alabama Economic and Developmental Highway System funds may be used to supplement toll projects; to provide that Alabama Economic and Developmental Highway System Funds may be used to anticipate Federal Funds on Advance Construction Projects; to provide that appropriations for the Alabama Economic and Developmental Highway System Projects, County Roads, and Urban Projects are Capital Outlay appropriations; to provide a deficit elimination procedure; to describe the purpose for which the funds can be used; to give county commissions in the state authority to pass resolutions to levy a gasoline tax with a three year authorization limit; to describe fund reversion procedures; to give the Highway Department authority to administer this fund; to give the Highway Director authority to promulgate rules and regulations concerning the operation of this fund; to provide for a quarterly report to the Joint Highway Committee; to give the Highway Department responsibility for developing schedules of improvements to be funded; to provide for allocation and appropriation of funds allocated for the Alabama Economic and Developmental Highway System when all Alabama Economic and Developmental Highway System Projects are 100% funded; to provide for fund matching requirements for county and urban projects; to provide for fund obligation limitations; to provide for review and approval procedures by the Highway Director for county and urban projects; to provide that MPO's will have authority to administer cities Transportation Improvement Plan to be approved by the Highway Director; to provide that the Highway Director will prescribe project design criteria for county and urban projects; to provide for contracting procedures; to provide for the effective date of this Act.

was taken up.

The Standing Committee on Finance and Taxation reported the

following substitute for the Bill, HB 550, to-wit:

**SUBSTITUTE FOR HB 550**

**A B I L L  
T O B E E N T I T L E D  
A N A C T**

Relating to Alabama Economic and Developmental Highways and the financing of an Alabama Economic and Developmental Highway System; to name this Act; to provide definition of certain words and terms contained in this bill; to create a fund in the State Treasury which shall be called the Alabama Economic and Developmental Highway Trust Fund; to describe the Alabama Economic and Developmental Highway System and its purpose; to describe the sources of revenue for this fund; to provide the distribution and appropriation of revenues for the Alabama Economic and Developmental Highway System, County Roads, Urban Projects, and to pay Debt Service on outstanding Industrial Access Road and Bridge Corporation Bonds; to provide that if Alabama Economic and Developmental Highway System projects are constructed with Federal and/or Public Road and Bridge Funds, projects not on the Alabama Economic and Developmental Highway System may be constructed using Alabama Economic and Developmental Highway System Funds; to provide that Alabama Economic and Developmental Highway System funds may be used to supplement toll projects; to provide that Alabama Economic and Developmental Highway System Funds may be used to anticipate Federal Funds on Advance Construction Projects; to provide that appropriations for the Alabama Economic and Developmental Highway System Projects, County Roads, and Urban Projects are Capital Outlay appropriations; to provide a deficit elimination procedure; to describe the purpose for which the funds can be used; to give county commissions in the state authority to pass resolutions to levy a gasoline tax with a five year authorization limit; to provide that the authorization to impose taxes on gasoline and motor fuel under this act shall not be used by any county commission to impose a local tax in lieu of any tax on gasoline or motor fuel authorized by any local act in effect on the effective date of this act; to provide procedures for the collection of local taxes authorized under this act; to provide certain restrictions as to the use of proceeds from taxes levied under this act in any county within which there exists a Class 1 municipality; to give the Highway Department authority to administer this fund; to give the Highway Director authority to promulgate rules and regulations concerning the operation of this fund; to provide for a quarterly report to the Joint Highway Committee and the Alabama Legislative Black Caucus; to give the Highway Department responsibility for developing schedules of improvements to

be funded; to provide for allocation and appropriation of funds allocated for the Alabama Economic and Developmental Highway System when all Alabama Economic and Developmental Highway System Projects are 100% funded; to provide for fund matching requirements for urban projects; to provide for fund obligation limitations; to provide for review and approval procedures by the Highway Director for urban projects; to provide that MPO's will have authority to administer cities Transportation Improvement Plan to be approved by the Highway Director; to provide that the Highway Director will prescribe project design criteria for urban projects; to provide for contracting procedures; to provide for the effective date of this Act.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. This Act shall be known as the Alabama Economic and Developmental Highway Trust Fund Act.

Section 2. Where used in this bill, the following words and terms shall be given the following respective meanings unless the context hereof clearly indicates otherwise:

(1) Highway Department. That state department created by Section 23-1-20 of the Code of Alabama, 1975.

(2) Highway Director. The Chief Executive Officer of the Highway Department created by Section 23-1-21, Code of Alabama, 1975.

(3) Alabama Economic and Developmental Highway System. That listing of state routes contained in Section 4 of this bill.

(4) County Roads. All paved public roads including bridges within a county on the County Road System and continuing into or through the corporate limits of any city or town in such county which are not a part of the State Highway System.

(5) Lane Mile. A linear measurement of 5,280 feet of roadway which encompasses a width of one lane of traffic in one direction.

(6) Agreed Unit Prices. Unit price computed by the Highway Department which is based on historical bid prices for unit bids on Highway Department projects.

(7) Toll Projects. Those toll projects constructed under the authority of the Alabama Toll Road, Bridge, and Tunnel Authority contained in Article 5, Chapter 2, Title 23, Code of Alabama, 1975, as

amended.

(8) Advance Construction Projects. Those accelerated Federal Aid projects described in Article 10, Chapter 1, Title 23, Code of Alabama, 1975, as amended.

(9) Division. A part of the Highway Department's organizational structure which is composed of a General Office and nine divisions; each division covering a specified geographic area of the State of Alabama, and responsible for the administration of the construction and maintenance of State public roads and bridges located within its geographic area.

(10) Unobligated Funds. That portion of an appropriation which has not been encumbered by a project budget or a project budget overrun.

(11) Metropolitan Planning Organization (MPO). That organization designated as being responsible, together with the State, for carrying out the provisions of 23 U.S.C. 134, as provided in 23 U.S.C. 104(f)(3), and capable of meeting the requirements of Section 3(e)(1), 5(1), 8(a) and (c) and 9(e)(3)(G) of the UMT Act (49 U.S.C. 1602(w)(1), 1604(1), 1607(a) and (c) and 1607a(e)(3)(G)). The metropolitan planning organization is the forum for cooperative transportation decision-making.

(12) Urbanized Area (UZA). An area in the state designated as an urbanized area by the U.S. Bureau of Census within boundaries fixed by responsible state and local officials in cooperation with each other, and subject to approval by the U.S. Secretary of Transportation. There are 12 urbanized areas in Alabama: Anniston, Auburn-Opelika, Birmingham, Decatur, Dothan, Florence, Gadsden, Huntsville, Mobile, Montgomery, Tuscaloosa, and Phenix City (Columbus, Georgia).

(13) Resurfacing, Restoration and Rehabilitation (RRR). Work undertaken primarily to preserve an existing facility. Restoration and rehabilitation is considered to be work required to return the existing pavement or bridge deck (including shoulders) to a condition of adequate structural support or to a condition adequate for placement of an additional state of construction (bridge deck protective system or resurfacing). Resurfacing consists of the placement of additional surface material over the existing, restored or rehabilitated roadway or bridge deck to improve serviceability or to provide additional strength. RRR work may include changes to geometric features, such as widening, flattening curves, or improving sight distances.

(14) Bridge Replacement. Bridge replacement includes the replacement of existing bridge structures and, if necessary, the realignment of the adjacent approaches and if the route is to be four-laned it includes the construction of a new bridge for the two new lanes.

(15) Obligation Limit. That point in obligating or budgeting funds for projects that the Highway Director may not exceed by approving any additional funding for projects.

(16) Project. An undertaking to construct a particular portion of a highway.

(17) Construction, Construct or Constructing. That act of completing a project including planning, design, purchasing right-of-way and associated activities, adjusting utilities, and the physical building of the roadway, bridges and appendages thereto.

Section 3. (a) There is hereby created within the State Treasury a fund to be known as the Alabama Economic and Developmental Highway Trust Fund.

(b) Revenue sources to be deposited in the State Treasury to the credit of the Alabama Economic and Developmental Highway Trust Fund are as follows:

(1) Petroleum products inspection fee levied by Act No. \_\_\_\_.

(2) Increase in license tax and registration fees levied by Act No. \_\_\_\_.

(3) Automotive Title Fees levied by Act No. \_\_\_\_.

(4) Other Funds - Includes but is not limited to matching funds provided by counties and cities.

(c) Allocation of the revenue received shall be as follows:

(1) Other funds - Other funds shall be allocated and appropriated for purposes for which they were received. The 90% obligation limit shall not apply to these funds.

(2) \$3,500,000 shall be allocated and appropriated to pay Debt Service on Industrial Access Road and Bridge Corporation outstanding bonds annually. Each month of the fiscal year, 1/12th of the annual appropriation shall be allocated for Industrial Access Road and Bridge

Corporation Debt Service.

(3) After the total annual revenues have been reduced by the amount of other funds, and the amount allocated for the Industrial Access Road and Bridge Corporation Debt Service, the remainder shall be allocated as follows:

- |  |          |
|--|----------|
| a. Alabama Economic and Developmental Highway System | 87.9227% |
| b. County Roads                                      | 9.0580%  |
| c. Urban Projects                                    | 3.0193%  |

(d) When a project or projects on the Alabama Economic and developmental Highway System is/are constructed with Federal Aid Funds or Federal Aid Funds and/or Matching funds from the Public Road and Bridge Fund and/or Alabama Economic and Developmental Highway System funds, then at the discretion of the Highway Director an amount equal to the total cost of the project funded from other than Alabama Economic and Developmental Highway System funds may be transferred from the Alabama Economic and Developmental Highway Trust Fund from funds appropriated for the Alabama Economic and Developmental Highway System to the Public Road and Bridge Fund and may be used to construct a project or projects that are not on the Alabama Economic and Developmental Highway System.

(e) When a feasibility study has been made by the Alabama Toll Road Bridge and Tunnel Authority under authority of Article 5, Chapter 2, Title 23, Code of Alabama, 1975, as amended, for any project on the Alabama Economic and Developmental Highway System and the study has concluded that such project is not feasible for a toll project, then the Highway Director may authorize use of Alabama Economic and Developmental Highway System Revenues, allocated to the division in which such project is located, to be used to supplement bond funds to plan, design, acquire right-of-way, adjust utilities and construct such project. Alabama Economic and Developmental Highway System Revenues may be used only to the extent necessary to reduce the amount of bonded debt to be issued on such project to make it feasible as a toll project. Alabama Economic and Developmental Highway System Revenues shall not be used for Maintenance on such toll projects.

(f) If an Alabama Economic and Developmental Highway System project is to be constructed using advance construction procedures under authority of Article 10, Chapter 1, Title 23, Code of Alabama, 1975, as

amended, then Alabama Economic and Developmental Highway System Revenues allocated to the Division in which such project is located may be used to match the anticipated Federal funds.

(g) If at any time the Highway Director determines that revenues will not be sufficient to fund appropriations for the fiscal year, the Highway Director shall cause the appropriations to be reduced to eliminate the projected deficit using the following procedure:

(1) The expected shortfall in revenues shall be calculated. Such expected shortfall shall be divided by the total estimated revenues for the year less the \$3,500,000 appropriated to pay Debt Service on outstanding Industrial Access Road and Bridge Corporation Bonds.

(2) The percentage calculated in (1) above shall be multiplied by each current year appropriation in the Alabama Economic and Developmental Highway Trust Fund except the \$3,500,000 appropriated to pay Debt Service on outstanding Industrial Access Road and Bridge Corporation Bonds to arrive at the amount to reduce each appropriation.

(3) The reduction amounts calculated in (2) above shall be subtracted from their corresponding appropriation to arrive at the new appropriation for the fiscal year. The \$3,500,000 appropriated to pay Debt Service on outstanding Industrial Access Road and Bridge Corporation Bonds shall not be reduced.

(h) Appropriations for the Alabama Economic and Developmental Highway System, County Roads, and Urban Projects are Capital Outlay appropriations and do not revert at the end of the fiscal year; they remain in full force and effect until the purpose for which they were appropriated is either abandoned or completed.

(i) The Alabama Economic and Developmental Highway Trust Fund shall be administered by the State of Alabama Highway Department under the direction of the Highway Director.

(j) The Highway Director has complete authority to promulgate rules and regulations for the operation of the Alabama Economic and Developmental Highway Trust Fund with review by the Joint Highway Committee.

Section 4. The purpose of the Alabama Economic and Developmental Highway Trust Fund Act as it relates to the Alabama Economic and Developmental Highway System is to develop and construct a four-lane highway system throughout Alabama that will greatly enhance the



quality of life for all of our citizens; by promoting economic and industrial development; by providing four-lane highways in areas that have been without an adequate transportation system in the past; by attracting new industry and encouraging expansion of our existing industry by decreasing transportation costs; by providing a much safer highway system for the traveling public; and by creating new jobs and thereby playing a significant role in reducing unemployment in the state. Constructing such Alabama Economic and Developmental Highway System may include new construction as well as resurfacing, restoration, rehabilitation and bridge replacement. The Alabama Economic and Developmental Highway System shall consist of the following routes:

(a)

(1) New Route from I-10 near County Road 25 to AL 188 south of Bayou La Batre.

(2) AL 193 from I-10 to Fowl River.

(3) U.S. 98 from Mississippi state line to I-65.

(4) U.S. 45 from I-65 to AL 17 at Deer Park.

(5) U.S. 43 from I-65 (Mobile) to Tennessee state line near Green Hill.

(6) AL 59 from AL 182 (Gulf Shores) to AL 287 near Bay Minette and AL 287 from Bay Minette to I-65.

(7) New route from AL 182 (Orange Beach) to I-65 near Perdido.

(8) AL 21 from Atmore to U.S. 84 south of Monroeville.

(9) U.S. 84 from Mississippi state line to Georgia state line (including the Andalusia bypass, the Elba bypass, the Enterprise bypass system and the Ross Clark Circle at Dothan).

(10) U.S. 331 from Florida state line to South Bypass in Montgomery.

(11) U.S. 231 from Florida state line to U.S. 280 in Sylacauga.

(12) U.S. 431 from Dothan to Tennessee state line (including Anniston east bypass).

(13) U.S. 280 from U.S. 31 in Birmingham to Georgia state line in Phenix City (including a connection from U.S. 29 to I-85 at Opelika).

(14) U.S. 80 from U.S. 11 near Cuba to U.S. 31 in Montgomery and extension of U.S. 80 from U.S. 11 to I-59 at Cuba and includes extension of U.S. 80 from U.S. 31 across I-65 to U.S. 331 in Montgomery.

(15) U.S. 82 from Mississippi state line through Prattville to I-65 near Prattville (including widening of McFarland Boulevard in Northport and Tuscaloosa).

(16) New route - Outer loop of Montgomery from U.S. 80 to I-85 near Mt. Meigs.

(17) AL 152 from U.S. 31 (Mobile Highway) to I-65 north of Montgomery.

(18) AL 14 from U.S. 31 east of Prattville to U.S. 231 near Wetumpka.

(19) AL 5 from U.S. 43 near Thomasville to AL 10 at Pine Hill.

(20) AL 52 from AL 103 near Slocumb to Dothan Circle.

(21) AL 119 from AL 25 near Montevallo to U.S. 31 near Alabaster.

(22) AL 25 from AL 119 near Montevallo to I-65 near Calera.

(23) AL 69 from Moundville to I-359 in Tuscaloosa.

(24) AL 13 from U.S. 82 in Northport to County Road 80 north of Lake Tuscaloosa.

(25) AL 150 from U.S. 11 at Bessemer to U.S. 31 near Hoover.

(26) U.S. 31 from Garden City to I-65 north of Athens.

(27) U.S. 78 from I-59/20 in Birmingham to Appalachian Corridor "X" west of Jasper.

(28) New Route - North bypass in Birmingham from I-59 near Bessemer to U.S. 11 near Trussville.

- (29) AL 79 from I-59 in Birmingham to U.S. 231 at Cleveland.
- (30) AL 75 from I-59 in Birmingham to U.S. 231 at Oneonta.
- (31) New Route - Appalachian Corridor "X" from Mississippi state line along U.S. 78 then on new location to I-65 at Birmingham.
- (32) AL 5 from U.S. 78 to U.S. 43 at Spruce Pine.
- (33) U.S. 278 from U.S. 78 at Weston to I-65 at Cullman.
- (34) U.S. 411 from I-759 in Gadsden to the eastern intersection with U.S. 411 business route at Centre.
- (35) AL 21 from U.S. 280 at Sylacauga to AL 200 at Piedmont and AL 200 at Piedmont from AL 21 to U.S. 278.
- (36) AL 9 from U.S. 278 at Piedmont to Georgia state line near Gaylesville.
- (37) AL 275 at Talladega and AL 77 from AL 275 at Talladega to I-59 at Attalla.
- (38) AL 69 from U.S. 231 at Arab to U.S. 431 at Guntersville.
- (39) AL 35 from U.S. 72 at Scottsboro to AL 9 at Gaylesville.
- (40) U.S. 72 from the Tennessee state line to I-565 in east Huntsville.
- (41) The extension of AL 255 (Rideout Road) from U.S. 72 to AL 53 and AL 53 from AL 255 extension to I-65 at Ardmore.
- (42) U.S. 98 from I-10 near Daphne to Foley.
- (43) AL 24 from Landersville to AL 67.
- (44) AL 20 (Alternate U.S. 72) from U.S. 43 in Tuscumbia to interchange of I-65 and I-565 in Limestone County (includes a new bridge over the Tennessee River at Decatur).
- (45) AL 133 and its extension (from Alt. U.S. 72 to U.S. 43) from U.S. 43 south of Tuscumbia to U.S. 72 east of Florence (Patton Island Connector).
- (46) New Route - U.S. 278 to AL 157 Connector west of

Cullman.

(47) AL 157 from U.S. 278 east of Cullman to AL 20 (Alternate U.S. 72) near Tuscumbia.

(48) New Route - Huntsville south bypass from I-565 to U.S. 231 near Whitesburg.

(49) AL 50 from Milepost 47.8 to U.S. 29 near Lanett.

(50) The extension of I-759 west to U.S. 431 at Attalla.

(51) The extension of I-759 east to U.S. 431 in east Gadsden.

(52) A connection from AL 759 in east Gadsden to U.S. 431 south of Gadsden.

(53) Appalachian Corridor "V" from I-565 in east Huntsville to the Tennessee state line.

(54) U.S. 231 from AL 34 to AL 144 in Pell City.

(55) U.S. 231 from Cleveland to the Tennessee state line.

(56) U.S. 80 from AL 169 at Crawford to Georgia state line at Phenix City.

(57) AL 69 from U.S. 82 in Northport to Lake Tuscaloosa.

(58) U.S. 278 from AL 157 east of Cullman to U.S. 431 at Attalla.

Provided however the exact geometrics of these routes shall be determined by standard Highway Department preliminary engineering procedures.

(b) On October 1, of each year, the Highway Director shall cause revenue accruing to the Alabama Economic and Developmental Highway Trust Fund to be estimated for that fiscal year. The estimated revenue shall be allocated using the procedures specified in Section 3 of this act. 20.7946% of the funds allocated for the Alabama Economic and Developmental Highway System will be allocated for bridge replacement. Such Bridge Replacement Funds shall be placed in a separate account or accounts and the Highway Department under the direction of the Highway Director shall be responsible for developing

schedules of bridges to be replaced and authorizing funding for such bridge replacements. 10% of such Bridge Replacement Funds shall be allocated and expended annually for the construction, reconstruction and repair of bridges on county highway systems but shall not be spent on any bridge within an incorporated municipality. The Highway Director shall have discretion as to which bridge projects in which counties will be funded. Counties receiving Bridge Replacement Funds under this section shall provide matching funds in an amount equal to 20% of the total cost of any such project from any available county funds which may be used by law for bridge work. The Highway Director shall cause an estimate of the cost to complete all remaining Alabama Economic and Developmental Highway System Projects subdivided by division to be made. The total cost to complete remaining projects in each division shall be divided by the total cost to complete all projects to arrive at a percentage to the total for each division for distribution purposes. The percentage thus calculated for each division shall be multiplied by the remaining 79.2054% of the estimated revenue for the fiscal year allocated to the Alabama Economic and Developmental Highway System to allocate the revenue among the nine divisions. The Highway Director cannot obligate more than 90% of the revenues thus allocated plus any unobligated funds from previous years. The 10% reserve thus created may be used by the Highway Director to cover overruns.

(c) A minority participation goal of 5% shall be established for the Economic and Developmental Highway Program and a 5% minority participation goal shall be established for any state construction projects that do not have any federal aid participation. In addition, the Permanent Joint Highway Committee shall monitor the State Highway Department compliance with the above requirement and shall compile a statistical report on the type, amount and recipient of all contracts awarded under the provisions of this act quarterly and forward said report to the Alabama Legislative Black Caucus.

(d) The revenues allocated in Section 4(b) above are hereby appropriated for the purpose of constructing Alabama Economic and Developmental Highway Projects and funding of county bridge projects.

(e) The Highway Director shall make a quarterly report to the Joint Highway Committee of the Alabama Legislature which shall contain information as to funds available, funds obligated, obligated funds expended, unexpended obligated funds and unobligated funds available and physical progress of projects. Such reports shall be subdivided by Bridge Replacement, Alabama Economic and Developmental Highway System Projects, County Bridge Projects, funds distributed to counties, Urbanized Area Projects, Discretionary Urban Projects and Industrial

**Access Road and Bridge Corporation Debt Service.**

(f) The State Highway Department under the direction of the Highway Director shall be totally responsible for developing the schedules of improvements to be funded. In developing the schedules of improvements to be funded from the Alabama Economic and Developmental Highway Trust Fund, the Highway Department shall consider the Highway needs in every division and shall make every reasonable effort to schedule the construction of highway improvements in a manner that addresses the needs of every division in an equitable and timely manner.

(g) After the Alabama Economic and Developmental Highway System is 100% funded, revenues accruing to the Alabama Economic and Developmental Highway Trust Fund for Alabama Economic and Developmental Highway Projects are hereby appropriated for resurfacing, restoration and rehabilitation and bridge replacement on the State Highway System except that 2.0795% of such funds shall continue to be allocated and appropriated annually for bridge work on county highway systems as provided under Section 4(b) of this act. Revenues thus appropriated shall be allocated by division by applying the percentage of the total lane miles on the State Highway System in each division to the total lane miles on the state system to the appropriated revenues. The Highway Director shall not obligate more than 90% of each division's current year estimated revenues plus any unobligated funds carried over from previous years. The Highway Director may use the 10% reserve to cover overruns.

Section 5. (a) Any provision of law to the contrary notwithstanding, all funds allocated under Section 3(c)(3)b. of this act for county roads are hereby appropriated and shall be paid to the several counties monthly. The Highway Department shall pay such amounts no later than the 10th of the month following the month in which such sums were received into the Alabama Economic and Developmental Highway Trust Fund.

(b) The funds paid to counties shall be distributed to the several counties based on the ratio that the paved miles of county roads in each such county bears to the total miles of paved roads of all county roads in the state.

(c) The funds distributed to the counties under this section shall not be commingled with other funds of the county except those funds paid into the county Secondary Road Fund and shall be kept and disbursed by such county from such special fund for only those purposes for which Secondary Road funds may be used as set out in §8-17-91

(a)(2)a. Provided however, such use shall include the right of the county to, at any time, deposit all or any portion of such funds into the county's special RRR fund as provided for in §40-17-224 (a)(1), Code of Alabama 1975.

Section 6. (a) At the discretion of the County, upon the adoption of a resolution, each county commission in this state is hereby authorized to impose and collect a privilege license or excise tax not to exceed 2 cents per gallon on gasoline and/or motor fuel, upon persons engaged in the business of selling, distributing, storing, or withdrawing from storage gasoline or motor fuel in the county for use in the operations of any motor vehicle upon the highways of this state. Except as otherwise herein provided, the proceeds of such taxes shall be restricted for use by the counties in the administration and enforcement of the tax and in the same manner and for the same purposes as is provided by law for the use of funds received by such counties from the seven cents gasoline tax levied under section 40-17-31, Code of Alabama 1975, as amended. The authorization granted to the County Commissions under this paragraph to impose such privilege license or excise tax expires five years after the effective date of this act. Any provisions of this act or any local law to the contrary notwithstanding, the authorization to impose taxes on gasoline and motor fuel under this section shall not be used by any county commission to impose a local tax in lieu of any tax on gasoline or motor fuel authorized by any local act in effect on the effective date of this act. Provided however, the foregoing sentence shall not prevent a county commission from imposing any tax authorized in this section in addition to a tax authorized by any such local act.

(b) Each county commission imposing a tax hereunder shall have the right itself, or its members or its agents, to examine the books, reports and accounts of every distributor, storer or retail dealer of gasoline or motor fuel on which such tax has been imposed and to make any and all rules and regulations necessary and proper for the collection of such tax or taxes. Provided however, upon resolution of the county commission the State Department of Revenue is hereby authorized and directed to collect all taxes levied by such county under the provisions of this act. All persons, firms, businesses and corporations subject to and owing such taxes shall be and are hereby directed to pay the same over to the Department and such payment shall be a full and complete discharge of all liability therefor to the county. The Department is authorized to promulgate reasonable rules and regulations to facilitate the orderly and efficient collection of said taxes. The Department is authorized to recover all costs of collecting such taxes, not to exceed five percent of the proceeds thereof, from such proceeds and shall pay the net amount remaining thereafter to such county no later than the 10th

day of the month following the month in which it is received by the state.

Section 7. Any provision of this act or any other law to the contrary notwithstanding, sixty percent of the proceeds of any tax levied under authority of this act by any county within which there exists a Class 1 municipality (as defined by section 11-40-12, Code of Alabama, 1975) shall be expended by and under the direction of such county for new urban construction projects, including but not limited to reconstruction of existing highway, road, street or bridge facilities or construction of new such facilities located within a designated Urbanized Area as determined by the Metropolitan Planning Organization serving such county. The remaining forty percent of the proceeds of any such tax shall be used for new construction of highway, road, street or bridge facilities in any portion of such county.

Section 8. (a) Revenues allocated for urban projects shall provide funds for constructing urban roads, streets and bridges, bypasses or circular routes around cities. Constructing such urban projects may include new construction as well as resurfacing, restoration, rehabilitation and bridge replacement.

(b) Each October 1, the Highway Director shall cause the revenues accruing to the Alabama Economic and Developmental Highway Trust Fund to be estimated for the coming fiscal year. Estimated revenues shall be allocated using the procedure provided in Section 3 of this Act.

(c) 63.08% of the current year revenues allocated for urban projects shall be allocated between the 12 urbanized areas in this state using the ratio of the population of each urbanized area to the total population of all urbanized areas in the state multiplied by the estimated revenue allocated for urban projects. The remaining 36.92% of the revenues allocated for urban projects shall be allocated for discretionary urban projects.

(d) Funds thus allocated to each urbanized area for constructing urban projects and for constructing discretionary urban projects in paragraph (c) above are hereby appropriated for constructing urban projects and discretionary urban projects.

(e) The cost of construction of urban projects and discretionary urban projects shall be funded as follows: 25% of such costs shall be paid by the municipality in which the project is located from its own funds. 75% of such costs shall be paid by the Alabama Economic and



Developmental Highway Trust Fund out of funds allocated to the urbanized area in which the project is located or from funds allocated for discretionary urban projects.

(f) The Highway Department under the direction of the Highway Director shall specify design criteria for urban projects and discretionary urban projects.

(g) The Highway Department under the direction of the Highway Director shall approve plans for urban projects and discretionary urban projects prior to authorization.

(h) Upon passage of a resolution by the city governing body, cities may submit proposals to the Highway Director for discretionary urban projects to be funded out of revenues allocated and appropriated for discretionary urban projects. The Highway Director is totally responsible for approving scheduling, funding and administering of such projects. The Highway Director shall not obligate more than 90% of the current year's estimated revenue allocated for discretionary urban projects plus any unobligated funds carried forward from previous years. The 10% reserve thus created may be used by the Highway Director to cover overruns when matched according to the provisions of paragraph (e) of this section.

(i) The MPO of the respective urbanized area shall have authority to administer the cities Transportation Improvement Plan to select urban projects provided however such plan must be submitted to the Highway Director for his approval. Such projects shall be administered by the Highway Department under the direction of the Highway Director.

(j) Urban projects and discretionary urban projects may be let to contract by the Highway Department or by the city or county in which the city is located at the discretion of the Highway Director.

(k) The MPO may not obligate more than 90% of the current year's estimated revenue allocated to its urbanized area plus any unobligated funds carried forward from previous years. The 10% reserve thus created may be used to cover overruns when matched according to the provisions of paragraph (e) of this section.

(l) The city must provide urban matching funds to the Highway Department prior to the time that the urban project or discretionary urban project is awarded.

Section 9. Such funds allocated to pay Debt Service on Industrial

Access Road and Bridge Corporation outstanding bonds in Section 3 of this act are hereby appropriated for such purpose. Such appropriations shall be transferred to the State Treasurer as needed to pay scheduled Debt Service on outstanding Industrial Access Road and Bridge Corporation Bonds.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional such declarations shall not affect the part which remains.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute for the Bill, HB 550, to-wit:

#### **AMENDMENT TO SUBSTITUTE FOR HB 550**

Amend the Committee Substitute for House Bill 550, on Page 13, Line 23, as follows:

By deleting the words "Alabama Legislative Black Caucus" and inserting in lieu thereof the words "members of the Alabama Legislature."

The Standing Committee on Finance and Taxation then reported the following amendment No. 2 to the substitute for the Bill, HB 550, to-wit:

#### **AMENDMENT NO. 2 TO SUBSTITUTE FOR HB 550**

Amend the Committee Substitute for House Bill 550, on Page 8, Line 29, as follows:

By striking the words "four-lane".

On motion of Senator Foshee, said substitute and amendments were laid on the table.

Senator Foshee then offered the following substitute for the Bill, HB 550, to-wit:

**SUBSTITUTE FOR HB 550**

**A B I L L  
T O B E E N T I T L E D  
A N A C T**

Relating to Alabama Economic and Developmental Highways and the financing of a Alabama Economic and Developmental Highway System; to name this Act; to provide defenition of certain words and terms contained in this bill; to create a fund in the State Treasury which shall be called the Alabama Economic and Developmental Highway Trust Fund; to describe the Alabama Economic and Developmental Highway System and its purpose; to describe the sources of revenue for this fund; to provide the distribution of revenues for the Alabama Economic and Developmental Highway System, County Roads, Urban Projects, to pay Debt Service on outstanding Industrial Access Road and Bridge Corporation Bonds and outstanding Alabama Economic and Developmental Highway Authority Bonds and the appropriation of revenues; to provide that if Alabama Economic and Developmental Highway System projects are constructed with Federal and/or Public Road and Bridge Funds, projects not on the Alabama Economic and Developmental Highway System may be constructed using Alabama Economic and Developmental Highway System Funds; to provide that Alabama Economic and Developmental Highway System funds may be used to supplement toll projects; to provide that Alabama Economic and Developmental Highway System Funds may be used to anticipate Federal Funds on Advance Construction Projects; to provide that appropriations for the Alabama Economic and Developmental Highway System Projects, County Roads, and Urban Projects are Capital Outlay appropriations; to provide a deficit elimination procedure; to describe the purpose for which the funds can be used; to give county commissions in the state authority to pass resolutions to levy a gasoline tax with a five year authorization limit; to provide that the authorization to impose taxes on gasoline and motor fuel under this act shall not be used by any county commission to impose a local tax in lieu of any tax on gasoline or motor fuel authorized by any local act in effect on the effective date of this act; to provide procedures for the collection of local taxes authorized under this act; to provide certain restrictions as to the use of proceeds from taxes levied under this act in any county within which there exists a Class 1 or Class 2 municipality; to give the Highway Department authority to administer this fund; to give the Highway Director authority to promulgate rules and regulations concerning the operation of this fund; to provide for a quarterly report to the Joint Highway Committee and members of the Alabama Legislature; to give the Highway Department responsibility for developing schedules of improvements to be funded; to provide for allocation of funds allocated

for the Alabama Economic and Developmental Highway System when all Alabama Economic and Developmental Highway System Projects are 100% funded; to provide for fund matching requirements for urban projects; to provide for fund obligation limitations; to provide for review and approval procedures by the Highway Director for urban projects; to provide that MPO's will have authority to administer cities transportation improvement plan to be approved by the Highway Director; to provide that the Highway Director will prescribe project design criteria for urban projects; to provide for contracting procedures; to provide for the effective date of this Act.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. This Act shall be known as the Alabama Economic and Developmental Highway Trust Fund Act.

Section 2. Where used in this bill, the following words and terms shall be given the following respective meanings unless the context hereof clearly indicates otherwise:

(1) Highway Department. That state department created by Section 23-1-20 of the Code of Alabama 1975.

(2) Highway Director. The Chief Executive Officer of the Highway Department authorized by Section 23-1-21, Code of Alabama 1975.

(3) Alabama Economic and Developmental Highway System. That listing of state routes contained in Section 4 of this bill. Such state routes shall be upgraded to four-lane roads at minimum.

(4) County Roads. All paved public roads including bridges within a county on the County Road System and continuing into or through the corporate limits of any city or town in such county which are not a part of the State Highway System.

(5) Lane Mile. A linear measurement of 5,280 feet of roadway which encompasses a width of one lane of traffic in one direction.

(6) Agreed Unit Prices. Unit price computed by the Highway Department which is based on historical bid prices for unit bids on Highway Department projects.

(7) Toll Projects. Those toll projects constructed under the authority of the Alabama Toll Road, Bridge, and Tunnel Authority contained in Article 5, Chapter 2, Title 23, Code of Alabama 1975, as amended.

(8) Advance Construction Projects. Those accelerated Federal Aid projects described in Article 10, Chapter 1, Title 23, Code of Alabama 1975, as amended.

(9) Division. A part of the Highway Department's organizational structure which is composed of a General Office and nine divisions; each division covering a specified geographic area of the State of Alabama, and responsible for the administration of the construction and maintenance of State public roads and bridges located within its geographic area.

(10) Unobligated Funds. That portion of an appropriation which has not been encumbered by a project budget or a project budget overrun.

(11) Metropolitan Planning Organization (MPO). That organization designated as being responsible, together with the State, for carrying out the provisions of 23 U.S.C. 134, as provided in 23 U.S.C. 104(f)(3), and capable of meeting the requirements of Section 3(e)(1), 5(1), 8(a) and (c) and 9(e)(3)(G) of the UMT Act (49 U.S.C. 1602(w)(1), 1604(1), 1607(a) and (c) and 1607a(e)(3)(G)). The metropolitan planning organization is the forum for cooperative transportation decision-making.

(12) Urbanized Area (UZA). An area in the state designated as an urbanized area by the U.S. Bureau of Census within boundaries fixed by responsible state and local officials in cooperation with each other, and subject to approval by the U.S. Secretary of Transportation. There are 12 urbanized areas in Alabama: Anniston, Auburn-Opelika, Birmingham, Decatur, Dothan, Florence, Gadsden, Huntsville, Mobile, Montgomery, Tuscaloosa, and Phenix City (Columbus, Georgia).

(13) Resurfacing, Restoration and Rehabilitation (RRR). Work undertaken primarily to preserve an existing facility. Restoration and rehabilitation is considered to be work required to return the existing pavement or bridge deck (including shoulders) to a condition of adequate structural support or to a condition adequate for placement of an additional state of construction (bridge deck protective system or resurfacing). Resurfacing consists of the placement of additional surface material over the existing, restored or rehabilitated roadway or bridge deck to improve serviceability or to provide additional strength. RRR work may include changes to geometric features, such as widening, flattening curves, or improving sight distances.

(14) Bridge Replacement. Bridge replacement includes the re-

placement of existing bridge structures and, if necessary, the realignment of the adjacent approaches and if the route is to be four-laned it includes the construction of a new bridge for the two new lanes.

(15) **Obligation Limit.** That point in obligating or budgeting funds for projects that the Highway Director may not exceed by approving any additional funding for projects.

(16) **Project.** An undertaking to construct a particular portion of a highway.

(17) **Construction, Construct or Constructing.** That act of completing a project including planning, design, purchasing right-of-way and associated activities, adjusting utilities, and the physical building of the roadway, bridges and appendages thereto.

Section 3. (a) There is hereby created within the State Treasury a fund to be known as the Alabama Economic and Developmental Highway Trust Fund; provided however, no funds shall be expended except as appropriated by the legislature and budgeted and allotted pursuant to Article 4 of Chapter 4, of Title 41 of the Code of Alabama 1975.

(b) Revenue sources to be deposited in the State Treasury to the credit of the Alabama Economic and Developmental Highway Trust Fund are as follows:

(1) Petroleum products inspection fee levied by H.B. 551, 1991 Regular Session.

(2) Increase in license tax and registration fees levied by H.B. 552, 1991 Regular Session.

(3) Automotive Title Fees levied by H.B. 553, 1991 Regular Session.

(4) **Other Funds** - Includes but is not limited to matching funds provided by counties and cities.

(c) On or before the first day of October, the Highway Director shall cause revenue accruing to the Alabama Economic and Developmental Highway Trust Fund to be estimated for the ensuing budget fiscal year.

(d) Allocation of the revenue received shall be as follows:

(1) **Other funds** - Other funds shall be allocated for purposes for

which they were received. The 90% obligation limit shall not apply to these funds.

(2) \$3,500,000 shall be appropriated and allocated to pay principal and interest maturing on Industrial Access Road and Bridge Corporation outstanding bonds annually. Each month of the fiscal year, one-twelfth of the annual appropriation shall be allocated for such principal and interest.

(3) The amount necessary to pay annually the principal and interest maturing on outstanding bonds issued by the Alabama Economic and Developmental Highway Authority shall be allocated and appropriated. Each month of the fiscal year, one-twelfth of the annual appropriation shall be allocated for such principal and interest. Such appropriations shall be transferred to the State Treasurer as needed to pay Debt Service on outstanding Alabama Economic and Developmental Highway Authority Bonds.

(4) After the total annual revenues have been reduced by the amount of other funds and the amount allocated to pay maturing principal and interest on bonds as provided in subsections (2) and (3) of this section 3(d), the remainder shall be allocated as follows:

- |  |          |
|--|----------|
| a. Alabama Economic and Developmental Highway System | 87.9227% |
| b. County Roads                                      | 9.0580%  |
| c. Urban Projects                                    | 3.0193%  |

(e) When a project or projects on the Alabama Economic and Developmental Highway System is/are constructed with Federal Aid Funds or Federal Aid Funds and/or Matching funds from the Public Road and Bridge Fund and/or Alabama Economic and Developmental Highway System funds, then at the discretion of the Highway Director an amount equal to the total cost of the project funded from other than Alabama Economic and Developmental Highway System funds may be transferred from the Alabama Economic and Developmental Highway Trust Fund from funds appropriated for the Alabama Economic and Developmental Highway System to the Public Road and Bridge Fund and may be used to construct a project or projects that are not on the Alabama Economic and Developmental Highway System.

(f) When a feasibility study has been made by the Alabama Toll Road Bridge and Tunnel Authority under authority of Article 5, Chapter

2, Title 23, Code of Alabama 1975, as amended, for any project on the Alabama Economic and Developmental Highway System and the study has concluded that such project is not feasible for a toll project, then the Highway Director may authorize use of Alabama Economic and Developmental Highway System Revenues, allocated to the division in which such project is located, to be used to supplement bond funds to plan, design, acquire right-of-way, adjust utilities and construct such project. Alabama Economic and Developmental Highway System Revenues may be used only to the extent necessary to reduce the amount of bonded debt to be issued on such project to make it feasible as a toll project. Alabama Economic and Developmental Highway System Revenues shall not be used for maintenance on such toll projects.

(g) If an Alabama Economic and Developmental Highway System project is to be constructed using advance construction procedures under authority of Article 10, Chapter 1, Title 23, Code of Alabama 1975, as amended, then Alabama Economic and Developmental Highway System Revenues allocated to the Division in which such project is located may be used to match the anticipated Federal funds.

(h) If at any time the Highway Director determines that revenues will not be sufficient to fund appropriations for the fiscal year, the Highway Director shall cause the appropriations to be reduced to eliminate the projected deficit using the following procedure:

(1) The expected shortfall in revenues shall be calculated. Such expected shortfall shall be divided by the total estimated revenues for the year less the \$3,500,000 appropriated annually to pay principal and interest on outstanding Industrial Access Road and Bridge Corporation Bonds and the annual appropriation to pay principal and interest on outstanding bonds issued by the Alabama Economic and Developmental Highway Authority.

(2) The percentage calculated in (1) above shall be multiplied by each current year appropriation in the Alabama Economic and Developmental Highway Trust Fund except the \$3,500,000 appropriated annually to pay principal and interest on outstanding Industrial Access Road and Bridge Corporation Bonds and the annual appropriation to pay principal and interest on outstanding bonds issued by the Alabama Economic and Developmental Highway Authority to arrive at the amount to reduce each appropriation.

(3) The reduction amounts calculated in (2) above shall be subtracted from their corresponding appropriation to arrive at the new appropriation for the fiscal year. The \$3,500,000 appropriated annually



to pay principal and interest on outstanding Industrial Access Road and Bridge Corporation Bonds and the annual appropriation to pay principal and interest on outstanding bonds issued by the Alabama Economic and Developmental Highway Authority shall not be reduced.

(i) Appropriations for the Alabama Economic and Developmental Highway System, County Roads, and Urban Projects are Capital Outlay appropriations and do not revert at the end of the fiscal year; they remain in full force and effect until the purpose for which they were appropriated is either abandoned or completed.

(j) The Alabama Economic and Developmental Highway Trust Fund shall be administered by the State of Alabama Highway Department under the direction of the Highway Director.

(k) The Highway Director has complete authority to promulgate rules and regulations for the operation of the Alabama Economic and Developmental Highway Trust Fund with review by the Joint Highway Committee.

Section 4. (a) The purpose of the Alabama Economic and Developmental Highway Trust Fund Act as it relates to the Alabama Economic and Developmental Highway System is to develop and construct a highway system throughout Alabama that will greatly enhance the quality of life for all of its citizens; by promoting economic and industrial development; by providing highways in areas that have been without an adequate transportation system in the past; by attracting new industry and encouraging expansion of our existing industry by decreasing transportation costs; by providing a much safer highway system for the traveling public; and by creating new jobs and thereby playing a significant role in reducing unemployment in the state. Constructing such Alabama Economic and Developmental Highway System may include new construction as well as resurfacing, restoration, rehabilitation and bridge replacement. The Alabama Economic and Developmental Highway System shall consist of the following routes:

(1) New route from I-10 near County Road 25 to AL 188 south of Bayou La Batre.

(2) AL 193 from I-10 to Fowl River.

(3) U.S. 98 from Mississippi state line to I-65.

(4) U.S. 45 from I-65 to AL 17 at Deer Park.

(5) U.S. 43 from I-65 (Mobile) to Tennessee state line near Green Hill.

## 25th Day

(6) AL 59 from AL 182 (Gulf Shores) to AL 287 near Bay Minette and AL 287 from Bay Minette to I-65.

(7) New route from AL 182 (Orange Beach) to I-65 near Perdido.

(8) AL 21 from Atmore to U.S. 84 south of Monroeville.

(9) U.S. 84 from Mississippi state line to Georgia state line (including the Andalusia bypass, the Elba bypass, the Enterprise bypass system and the Ross Clark Circle at Dothan).

(10) U.S. 331 from Florida state line to South Bypass in Montgomery.

(11) U.S. 231 from Florida state line to U.S. 280 in Sylacauga.

(12) U.S. 431 from Dothan to Tennessee state line (including Anniston east bypass).

(13) U.S. 280 from U.S. 31 in Birmingham to Georgia state line in Phenix City (including a connection from U.S. 29 to I-85 at Opelika).

(14) U.S. 80 from U.S. 11 near Cuba to U.S. 31 in Montgomery and extension of U.S. 80 from U.S. 11 to I-59 at Cuba and includes extension of U.S. 80 from U.S. 31 across I-65 to U.S. 331 in Montgomery.

(15) U.S. 82 from Mississippi state line through Prattville to I-65 near Prattville (including widening of McFarland Boulevard in Northport and Tuscaloosa).

(16) New route - Outer loop of Montgomery from U.S. 80 to I-85 near Mt. Meigs.

(17) AL 152 from U.S. 31 (Mobile Highway) to I-65 north of Montgomery.

(18) AL 14 from U.S. 31 east of Prattville to U.S. 231 near Wetumpka.

(19) AL 5 from U.S. 43 near Thomasville to AL 10 at Pine Hill.

(20) AL 52 from AL 103 near Slocumb to Dothan Circle.

(21) AL 119 from AL 25 near Montevallo to U.S. 31 near Alabaster.

(22) AL 25 from AL 119 near Montevallo to I-65 near Calera.

(23) AL 69 from Moundville to I-359 in Tuscaloosa.

(24) AL 13 from U.S. 82 in Northport to County Road 80 north of Lake Tuscaloosa.

(25) AL 150 from U.S. 11 at Bessemer to U.S. 31 near Hoover.

(26) U.S. 31 from Garden City to I-65 north of Athens.

(27) U.S. 78 from I-59/20 in Birmingham to Appalachian Corridor "X" west of Jasper.

(28) New Route - North bypass in Birmingham from I-59 near Bessemer to U.S. 11 near Trussville.

(29) AL 79 from I-59 in Birmingham to U.S. 231 at Cleveland.

(30) AL 75 from I-59 in Birmingham to U.S. 231 at Oneonta.

(31) New Route - Appalachian Corridor "X" from Mississippi state line along U.S. 78 then on new location to I-65 at Birmingham.

(32) AL 5 from U.S. 78 to U.S. 43 at Spruce Pine.

(33) U.S. 278 from U.S. 78 at Weston to I-65 at Cullman.

(34) U.S. 411 from I-759 in Gadsden to the eastern intersection with U.S. 411 business route at Centre.

(35) AL 21 from U.S. 280 at Sylacauga to AL 200 at Piedmont and AL 200 at Piedmont from AL 21 to U.S. 278.

(36) AL 9 from U.S. 278 at Piedmont to Georgia state line near Gaylesville.

(37) AL 275 at Talladega and AL 77 from AL 275 at Talladega to I-59 at Attalla.

(38) AL 69 from U.S. 231 at Arab to U.S. 431 at Guntersville.

(39) AL 35 from U.S. 72 at Scottsboro to AL 9 at Gaylesville.

(40) U.S. 72 from the Tennessee state line to I-565 in east Huntsville.

(41) The extension of AL 255 (Rideout Road) from U.S. 72 to AL 53 and AL 53 from AL 255 extension to I-65 at Ardmore.

(42) U.S. 98 from I-10 near Daphne to Foley.

(43) AL 24 from Landersville to AL 67.

(44) AL 20 (Alternate U.S. 72) from U.S. 43 in Tuscumbia to interchange of I-65 and I-565 in Limestone County (includes a new bridge over the Tennessee River at Decatur).

(45) AL 133 and its extension (from Alt. U.S. 72 to U.S. 43) from U.S. 43 south of Tuscumbia to U.S. 72 east of Florence (Patton Island Connector).

(46) New Route - U.S. 278 to AL 157 Connector west of Cullman.

(47) AL 157 from U.S. 278 east of Cullman to AL 20 (Alternate U.S. 72) near Tuscumbia.

(48) New Route - Huntsville south bypass from I-565 to U.S. 231 near Whitesburg.

(49) AL 50 from Milepost 47.8 to U.S. 29 near Lanett.

(50) The extension of I-759 west to U.S. 431 at Attalla.

(51) The extension of I-759 east to U.S. 431 in east Gadsden.

(52) A connection from AL 759 in east Gadsden to U.S. 431 south of Gadsden.

(53) Appalachian Corridor "V" from I-565 in east Huntsville to the Tennessee state line.

(54) U.S. 231 from AL 34 to AL 144 in Pell City.

(55) U.S. 231 from Cleveland to the Tennessee state line.

(56) U.S. 80 from AL 169 at Crawford to Georgia state line at Phenix City.

(57) AL 69 from U.S. 82 in Northport to Lake Tuscaloosa.

(58) U.S. 278 from AL 157 east of Cullman to U.S. 431 at Attalla.

Provided however the exact geometrics of these routes shall be determined by standard Highway Department preliminary engineering procedures.

(b) The estimated revenue shall be allocated using the procedures specified in Section 3 of this act. 20.7946% of the funds allocated for the Alabama Economic and Developmental Highway System will be allocated for bridge replacement. Such Bridge Replacement Funds shall be placed in a separate account or accounts and the Highway Department under the direction of the Highway Director shall be responsible for developing schedules of bridges to be replaced and authorizing funding for such bridge replacements. 10% of such Bridge Replacement Funds shall be allocated and expended annually for the construction, reconstruction and repair of bridges on county highway systems but shall not be spent on any bridge within an incorporated municipality. The Highway Director shall have discretion as to which bridge projects in which counties will be funded. Counties receiving Bridge Replacement Funds under this section shall provide matching funds in an amount equal to 20% of the total cost of any such project from any available county funds which may be used by law for bridge work. The Highway Director shall cause an estimate of the cost to complete all remaining Alabama Economic and Developmental Highway System Projects subdivided by division to be made. The total cost to complete remaining projects in each division shall be divided by the total cost to complete all projects to arrive at a percentage of the total for each division for distribution purposes. The percentage thus calculated for each division shall be multiplied by the remaining 79.2054% of the estimated revenue for the fiscal year allocated to the Alabama Economic and Developmental Highway System to allocate the revenue among the nine divisions. The Highway Director cannot obligate more than 90% of the revenues thus allocated plus any unobligated funds from previous years. The 10% reserve thus created may be used by the Highway Director to cover overruns.

(c) A minority participation goal of 5% shall be established for the Economic and Developmental Highway Program and a 5% minority participation goal shall be established for any state construction projects that do not have any federal aid participation. In addition, the Permanent Joint Highway Committee shall monitor the State Highway Department compliance with the above requirement and shall compile a

statistical report on the type, amount and recipient of all contracts awarded under the provisions of this act quarterly and forward said report to the members of the Alabama Legislature.

(d) The revenues allocated in Section 4(b) above are for the purpose of constructing Alabama Economic and Developmental Highway Projects and funding of county bridge projects.

(e) The Highway Director shall make a quarterly report to the Joint Highway Committee of the Alabama Legislature which shall contain information as to funds available, funds obligated, obligated funds expended, unexpended obligated funds and unobligated funds available and physical progress of projects. Such reports shall be subdivided by Bridge Replacement, Alabama Economic and Developmental Highway System Projects, County Bridge Projects, funds distributed to counties, Urbanized Area Projects, Discretionary Urban Projects, payment of principal and interest on Industrial Access Road and Bridge Corporation Bonds, and Alabama Economic and Developmental Highway Authority Bonds.

(f) The State Highway Department under the direction of the Highway Director shall be totally responsible for developing the schedules of improvements to be funded. In developing the schedules of improvements to be funded from the Alabama Economic and Developmental Highway Trust Fund, the Highway Department shall consider the highway needs in every division and shall make every reasonable effort to schedule the construction of highway improvements in a manner that addresses the needs of every division in an equitable and timely manner.

(g) After the Alabama Economic and Developmental Highway System is 100% funded, revenues accruing to the Alabama Economic and Developmental Highway Trust Fund for Alabama Economic and Developmental Highway Projects are for resurfacing, restoration and rehabilitation and bridge replacement on the State Highway System except that 2.0795% of such funds shall continue to be allocated annually for bridge work on county highway systems as provided under Section 4(b) of this act. Revenues shall be allocated by division by applying the percentage of the total lane miles on the State Highway System in each division to the total lane miles on the state system to the appropriated revenues. The Highway Director shall not obligate more than 90% of each division's current year estimated revenues plus any unobligated funds carried over from previous years. The Highway Director may use the 10% reserve to cover overruns.

Section 5. (a) Any provision of law to the contrary notwithstanding-

ing, all funds allocated under Section 3(d)(4)b. of this act for county roads shall be paid to the several counties monthly. The Highway Department shall pay such amounts no later than the 10th of the month following the month in which such sums were received into the Alabama Economic and Developmental Highway Trust Fund.

(b) The funds paid to counties shall be distributed to the several counties based on the ratio that the paved miles of county roads in each such county bears to the total miles of paved roads of all county roads in the state.

(c) The funds distributed to the counties under this section shall not be commingled with other funds of the county except those funds paid into the county Secondary Road Fund and shall be kept and disbursed by such county from such special fund for only those purposes for which Secondary Road funds may be used as set out in Section 8-17-91 (a)(2)a, Code of Alabama 1975, as amended. Provided however, such use shall include the right of the county to, at any time, deposit all or any portion of such funds into the county's special RRR fund as provided for in Section 40-17-224 (a)(1), Code of Alabama 1975, as amended.

Section 6. (a) In addition to and cumulative to all laws now in effect, at the discretion of the County, upon the adoption of a resolution, each county commission in this state is hereby authorized to impose and collect a privilege license or excise tax not to exceed 2 cents per gallon on gasoline and/or motor fuel, upon persons engaged in the business of selling, distributing, storing, or withdrawing from storage gasoline or motor fuel in the county for use in the operations of any motor vehicle upon the highways of this state. Except as otherwise herein provided, the proceeds of such taxes shall be restricted for use by the counties in the administration and enforcement of the tax and in the same manner and for the same purposes as is provided by law for the use of funds received by such counties from the seven cents gasoline tax levied under section 40-17-31, Code of Alabama 1975, as amended. The authorization granted to the County Commissions under this paragraph to impose such privilege license or excise tax expires five years after the effective date of this act. Any provisions of this act or any local law to the contrary notwithstanding, the authorization to impose taxes on gasoline and motor fuel under this section shall not be used by any county commission to impose a local tax in lieu of any tax on gasoline or motor fuel authorized by any local act in effect on the effective date of this act. Provided however, the foregoing sentence shall not prevent a county commission from imposing any tax authorized in this section in addition to a tax authorized by any such local act, but no county shall impose any

tax authorized in this section if that county also imposes a tax authorized by a local act adopted by the Legislature between April 15, 1991, and the date which is five years after the effective date of this Act.

(b) Each county commission imposing a tax hereunder shall have the right itself, or its members or its agents, to examine the books, reports and accounts of every distributor, storer or retail dealer of gasoline or motor fuel on which such tax has been imposed and to make any and all rules and regulations necessary and proper for the collection of such tax or taxes. Provided however, upon resolution of the county commission, the State Department of Revenue is hereby authorized and directed to collect all taxes levied by such county under the provisions of this act. All persons, firms, businesses and corporations subject to and owing such taxes shall be and are hereby directed to pay the same over to the Department and such payment shall be a full and complete discharge of all liability therefor to the county. The Department is authorized to promulgate reasonable rules and regulations to facilitate the orderly and efficient collection of said taxes. The Department is authorized to recover all costs of collecting such taxes, not to exceed five percent of the proceeds thereof, from such proceeds and shall pay the net amount remaining thereafter to such county no later than the 10th day of the month following the month in which it is received by the state.

Section 7. (a) Any provision of this act or any other law to the contrary notwithstanding, sixty percent of the proceeds of any tax levied under authority of this act by any county within which there exists a Class 1 municipality (as defined by section 11-40-12, Code of Alabama 1975) shall be expended by and under the direction of such county for new urban construction projects, including but not limited to reconstruction of existing highway, road, street or bridge facilities or construction of new such facilities located within a designated Urbanized Area as determined by the Metropolitan Planning Organization serving such county. The remaining forty percent of the proceeds of any such tax shall be used for new construction of highway, road, street or bridge facilities in any portion of such county.

(b) Any provision of this act or any other law to the contrary notwithstanding, ten percent of the proceeds of any tax levied under authority of this Act by any county within which there exists a Class 2 municipality (as defined by section 11-40-12, Code of Alabama 1975) shall be distributed by such county to the incorporated municipalities within such county, each such distribution among the said municipalities shall be on the basis of the ratio of the population of each such municipality to the total population of all municipalities in the respective county



according to the then next preceding federal decennial census. The remaining ninety percent of the proceeds of any such tax shall be used by the respective county as otherwise provided in this Act for such proceeds.

Section 8. (a) Revenues allocated for urban projects shall provide funds for constructing urban roads, streets and bridges, bypasses or circular routes around cities. Constructing such urban projects may include new construction as well as resurfacing, restoration, rehabilitation and bridge replacement.

(b) Estimated revenues shall be allocated using the procedure provided in Section 3 of this Act.

(c) 63.08% of the current year revenues allocated for urban projects shall be allocated between the 12 urbanized areas in this state using the ratio of the population of each urbanized area to the total population of all urbanized areas in the state multiplied by the estimated revenue allocated for urban projects. The remaining 36.92% of the revenues allocated for urban projects shall be allocated for discretionary urban projects.

(d) Funds thus allocated to each urbanized area for constructing urban projects and for constructing discretionary urban projects in paragraph (c) above are for constructing urban projects and discretionary urban projects.

(e) The cost of construction of urban projects and discretionary urban projects shall be funded as follows: 25% of such costs shall be paid by the municipality in which the project is located from its own funds. 75% of such costs shall be paid by the Alabama Economic and Developmental Highway Trust Fund out of funds allocated to the urbanized area in which the project is located or from funds allocated for discretionary urban projects.

(f) The Highway Department under the direction of the Highway Director shall specify design criteria for urban projects and discretionary urban projects.

(g) The Highway Department under the direction of the Highway Director shall approve plans for urban projects and discretionary urban projects prior to authorization.

(h) Upon passage of a resolution by the city governing body, cities may submit proposals to the Highway Director for discretionary

urban projects to be funded out of revenues allocated and appropriated for discretionary urban projects. The Highway Director is totally responsible for approving scheduling, funding and administering of such projects. The Highway Director shall not obligate more than 90% of the current year's estimated revenue allocated for discretionary urban projects plus any unobligated funds carried forward from previous years. The 10% reserve thus created may be used by the Highway Director to cover overruns when matched according to the provisions of paragraph (e) of this section.

(i) The MPO of the respective urbanized area shall have authority to administer the cities Transportation Improvement Plan to select urban projects provided however such plan must be submitted to the Highway Director for his approval. Such projects shall be administered by the Highway Department under the direction of the Highway Director.

(j) Urban projects and discretionary urban projects may be let to contract by the Highway Department or by the city or county in which the city is located at the discretion of the Highway Director.

(k) The MPO may not obligate more than 90% of the current year's estimated revenue allocated to its urbanized area plus any unobligated funds carried forward from previous years. The 10% reserve thus created may be used to cover overruns when matched according to the provisions of paragraph (e) of this section.

(l) The city must provide urban matching funds to the Highway Department prior to the time that the urban project or discretionary urban project is awarded.

Section 9. Such funds allocated to pay principal, interest, and premium, if any, on Industrial Access Road and Bridge Corporation outstanding bonds and principal, interest, and premium, if any, on Alabama Economic and Developmental Highway Authority outstanding bonds in Section 3 of this act are hereby appropriated for such purpose. Such appropriations shall be transferred to the State Treasurer as needed to pay principal, interest, and premium, if any, on outstanding Industrial Access Road and Bridge Corporation Bonds and outstanding Alabama Economic and Developmental Highway Authority Bonds.

Section 10. There is hereby appropriated from the Alabama Economic and Developmental Trust Fund to the Highway Department all revenues credited to the Alabama Economic and Developmental Trust Fund to implement the provisions of this Act. The appropriations herein

shall be in addition to any and all other funds heretofore or hereinafter appropriated to the Highway Department.

Section 11. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional such declarations shall not affect the part which remains.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Which was adopted.

Yeas 19 Nays 9

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Mitchell, Owens, Preuitt, and Waggoner -19

Nays:

Senators:

Amari, Campbell, Corbett, Hilliard, Langford, Little, Smith (J), Wilson, and Windom -9

Senator Little offered the following amendment to the Bill, HB 550, as amended by the substitute, to-wit:

**AMENDMENT TO HB 550, AS AMENDED**

In Section 6 (a), on page 17, on line 18, after the period insert the following language:

Provided, however, no county commission is authorized to impose said privilege license or excise tax without a recorded roll call vote nor is any county commission authorized to impose said tax in an amount greater than 1 cent per gallon within any 18 month period.

On motion of Senator Foshee, said amendment was laid on the table.

Yeas 16 Nays 13

Yeas:

Senators:

Bailey, Barron, Bedsole, deGraffenried, Denton, Dial, Ellis, Foshee,

Hale, Horn, Lindsey, Mitchell, Owens, Preuitt, Smith (B), and Waggoner -16

Nays:

Senators:

Bolling, Campbell, Corbett, Dixon, Floyd, Ghee, Hilliard, Langford, Lipscomb, Little, Parsons, Wilson, and Windom -13

Senator Parsons offered the following amendment to the Bill, HB 550, as amended by the substitute, to-wit:

**AMENDMENT TO HB 550, AS AMENDED**

Amend House Bill No. 550, as amended by the substitute, Page 10 Line 18, as follows:

By adding, The Constitutional Prohibition against legislative log rolling shall not apply to this act.  
and renumber the following.

On motion of Senator Foshee, said amendment was laid on the table.

Yeas 21 Nays 7

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Ellis, Foshee, Ghee, Hale, Horn, Lindsey, Mitchell, Mitchem, Owens, Preuitt, Smith (B), Waggoner, and Windom -21

Nays:

Senators:

Amari, Campbell, Corbett, Floyd, Hilliard, Langford, and Parsons - 7

Senator Floyd offered the following amendment to the Bill, HB 550, as amended by the substitute, to-wit:

**AMENDMENT TO HB 550, AS AMENDED**

On page 7, delete lines 24 through 34 in their entirety.

On page 8, delete lines 1 and 2 in their entirety and reletter subsequent subsections accordingly.

On motion of Senator Foshee, said amendment was laid on the table.

Yeas 19 Nays 12

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Ellis, Foshee, Ghee, Hale, Horn, Lindsey, Mitchell, Mitchem, Owens, Preuitt, Smith (B), and Waggoner -19

Nays:

Senators:

Amari, Campbell, Corbett, Dixon, Floyd, Langford, Little, Parsons, Sanders, Smith (J), Wilson, and Windom -12

Senator Floyd then offered the following amendment No. 2 to the Bill, HB 550, as amended by the substitute, to-wit:

**AMENDMENT NO. 2 TO HB 550, AS AMENDED**

On page 16, on lines 14 through 17, delete the following language: "Revenues shall be allocated by division by applying the percentage of the total lane miles on the State Highway System in each division to the total lane miles on the state system to the appropriated revenues."

On motion of Senator Foshee, said amendment was laid on the table.

Yeas 17 Nays 10

Yeas:

Senators:

Bailey, Bennett, Bolling, deGraffenried, Denton, Dial, Ellis, Foshee, Hale, Horn, Lindsey, Mitchell, Owens, Preuitt, Sanders, Smith (B), and Waggoner -17

Nays:

Senators:

Amari, Campbell, Corbett, Dixon, Floyd, Hilliard, Langford, Little, Parsons, and Windom -10

Senator Amari offered the following amendment to the Bill, HB 550, as amended by the substitute, to-wit:

**AMENDMENT TO HB 550, AS AMENDED**

Amend House Bill No. 550, as amended by the substitute, Page 8 Line 1, as follows:

by deleting after the word "are" the balance of the sentence and inserting the following,

within the same division of the State Highway Department as the project set out in the Alabama Economic and Developmental Highway System receiving Federal Aid Funds or Federal Aid Funds and/or matching funds from the Public Road and Bridge Funds.

On motion of Senator Foshee, said amendment was laid on the table.

Yeas 15 Nays 14

Yeas:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Denton, Dial, Ellis, Foshee, Hale, Lindsey, Little, Mitchell, Owens, Preuitt, and Smith (B) -15

Nays:

Senators:

Amari, Campbell, Corbett, Dixon, Floyd, Hilliard, Langford, Lipscomb, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -14

Senator Little offered the following amendment No. 2 to the Bill, HB 550, as amended by the substitute, to-wit:

#### **AMENDMENT NO. 2 TO HB 550, AS AMENDED**

In Section 6(a), on page 17, Line 18 insert the following after the period ". "

One-fourth of the proceeds of such taxes shall be distributed to the local boards of education to be used exclusively for general education purposes.

On motion of Senator Foshee, said amendment was laid on the table.

Yeas 16 Nays 13

Yeas:

Senators:

Bailey, Bedsole, Bennett, deGraffenried, Denton, Dial, Ellis, Foshee, Ghee, Hale, Horn, Lindsey, Owens, Preuitt, Smith (B), and Waggoner -16

Nays:

Senators:

Amari, Bolling, Campbell, Corbett, Dixon, Floyd, Langford, Lipscomb,

Little, Mitchell, Parsons, Smith (J), and Windom

-13

And said Bill, HB 550, as amended by the substitute, was read a third time at length and passed.

Yeas 18 Nays 13

Yeas:

Senators:

Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Ellis, Foshee, Ghee, Hale, Horn, Lindsey, Mitchell, Owens, Preuitt, Sanders, Smith (B), and Waggoner -18

Nays:

Senators:

Amari, Bailey, Campbell, Corbett, Dixon, Floyd, Hilliard, Langford, Little, Parsons, Smith (J), Wilson, and Windom -13

### MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Thursday, July 11, 1991, at 10 o'clock A.M., which motion was adopted.

### RESOLUTION

Senators Bennett, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom offered the following Senate Joint Resolution, to-wit:

**SJR 132. COMMENDING FRANK BRUER, CAPITAL CORRESPONDENT FOR THE BIRMINGHAM POST HERALD, ON HIS DISTINGUISHED CAREER, AND NAMING THE STATE HOUSE PRESS ROOM IN HIS HONOR.**

WHEREAS, in noting the imminent retirement of our friend and distinguished journalist, Frank Bruer, we further note the accomplishments of his career as a newswriter for the Birmingham Post Herald, and previously as a staff member with the Mobile Press-Register and as editor with the Columbus Ledger-Enquirer; and

WHEREAS, Frank Bruer came to Montgomery in 1970 as Capital correspondent for the Post Herald and, for the past 21 years, has

rendered invaluable service to the citizens of Alabama through his fair and accurate coverage of legislative affairs and other Capital City news; and

WHEREAS, through close association over the years, Mr. Bruer has become a good friend to many members of the Legislature, as well as to hundreds of others throughout the Capitol Complex, and as a result of his impartiality and factual reporting, his byline is eagerly sought by Post Herald readers statewide; and

WHEREAS, Mr. Bruer, a native of Union Town, Tennessee, and reared in Jackson, Tennessee, is a graduate of the University of Missouri, a United States Navy veteran, and plays a really mean jazz trumpet; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in sincere admiration of his outstanding career, we hereby commend Frank Bruer of the Birmingham Post Herald, an accomplished journalist whom we hold in highest regard and whose friendship we greatly value.

BE IT FURTHER RESOLVED, That in recognition of distinguished service to the citizens of Alabama, and in tribute to his many professional accomplishments, we hereby name and designate the Alabama State House Press Room, Room 124, as the "Frank Bruer Press Room," and authorize the placement of an appropriately inscribed plaque so designating the "Frank Bruer Press Room."

RESOLVED FURTHER, That a copy of this resolution be presented to Mr. Bruer as a memento of this honorary designation by the Alabama Legislature.

On motion of Senator Bennett, the Rules were suspended and the Resolution was adopted by the Senate.

### REPORT FROM RULES

Senator Preuitt, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**HJR 221.COMMENDING SHIRLEY M. PAUL FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF ALABAMA IN HUNTSVILLE AND TO THE HUNTSVILLE COMMUNITY.**



And on motion of Senator Foshee, said Resolution, HJR 221, was concurred in and adopted by the Senate.

### RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

#### SR 133. SPECIAL ORDER.

RESOLVED BY THE SENATE That the following in the order named shall be the paramount and continuing order of business taking precedence over all other matters for the twenty-fifth legislative day of the 1991 Regular Session only:

1. Introduction of Bills
2. House Messages
3. Committee Reports

On motion of Senator deGraffenried, the Resolution was adopted by the Senate.

Senator Bennett offered the following Senate Joint Resolution, to-wit:

**SJR 134. COMMENDING DR. DAVID L. WALTERS ON HIS RETIREMENT AS DIRECTOR OF BANDS AT JACKSONVILLE STATE UNIVERSITY.**

WHEREAS, Dr. David L. Walters, director of bands at Jacksonville State University for the past 30 years, retired at the end of the 1991 academic year; and

WHEREAS, Dr. Walters, known as "Dave" to his university colleagues and thousands of alumni, built the 300-plus-member JSU "Marching Southerners" into a nationally prominent university marching band; and

WHEREAS, a graduate of both Miami University (Ohio) and Florida State, his marching innovations are widely copied throughout the South and the nation; and

WHEREAS, Dr. Walters, who also is a graduate of the U. S. Navy School of Music, has published a number of band and ensemble numbers in use across the country; and

WHEREAS, on his official retirement June 30, 1991, he left a legacy of outstanding leadership, showmanship and professionalism that will become a part of the JSU tradition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend deep appreciation to Dr. David L. Walters for a job well done.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Walters with the Legislature's best wishes for a happy and well-deserved retirement and that a copy also be provided for display in JSU's Mason Hall.

On motion of Senator Bennett, the Rules were suspended and the Resolution was adopted by the Senate.

#### COMMUNICATION FROM THE SUPREME COURT

To the Members of the Senate  
Alabama Statehouse  
Montgomery, Alabama 36130

Dear Senators:

We have received Senate Resolution No. 95, by which you request the opinion of the Justices as to whether House Bill 204, as amended and substituted, violates the provisions of Sections 61, 45, and 71 of the Constitution of Alabama, 1901.

Your Resolution reads:

"BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the pending bill, House Bill 204, a copy of which is attached to this resolution and made a part hereof by reference.

"House Bill 204, as amended and substituted by the House of Representatives and as now engrossed and pending in the Senate contains a title which states:

"To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the state, for other

functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1992.'

"Section 3 of House Bill 204 as engrossed provides that monies appropriated in House Bill 204 shall not be expended by a state entity to employ or contract to employ more persons than the highest number of persons employed or contracted to be employed during any point in time in the last two fiscal years. Section 4 provides that monies appropriated in House Bill 204 shall not be expended for the purchase or lease of automobiles. Neither Section 3 nor Section 4 of House Bill 204 as engrossed was included in House Bill 204 as originally introduced.

"1. Does House Bill 204 as engrossed violate Section 61 of the Constitution of 1901 which provides in part 'no bill shall be so altered or amended on its passage through either house as to change its original purpose'?

"2. Does House Bill 204 as engrossed violate Section 45 of the Constitution of 1901 which provides in part that 'each law shall contain but one subject, which shall be clearly expressed in its title'?

"3. Does House Bill 204 as engrossed violate Section 71 of the Constitution of 1901 which provides in part, 'The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments of the state, for interest on the public debt, and for the public schools. ... All other appropriations shall be made by separate bills, each embracing but one subject.'?

"RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient true copies of the pending bill, House Bill 204 as engrossed, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution."

We express our opinion on each of the questions in the same order in which you asked them.

Your question 1 -- whether House Bill 204 as engrossed has been so altered or amended as to change its original purpose -- is answered in the affirmative.

Section 61 of the Constitution provides: "No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose."

This Court has held that Section 61 is violated when the "purpose" of the bill passed is different from the original "purpose" of the bill as introduced. In Gafford v. Pemberton, 409 So.2d 1367, 1375 (Ala. 1982), this Court stated that "[t]he 'purpose' of a bill within this section is the general purpose of a bill, not the mere details through which its purpose is manifested and effectuated." (Emphasis added).

In Opinion of the Justices, No. 255, 361 So.2d 536 (Ala. 1978), this Court, in an advisory opinion based on a request from the Governor, opined that where the general purpose of the bill and the purpose of the resulting act was to provide monies for capital improvements for educational purposes, Section 61 was not violated by the fact that the original bill provided a direct appropriation from the general fund and the resulting act provided for financing through a bond issue. See, also, Comer v. City of Mobile, 337 So.2d 742 (Ala. 1976); Blackwell v. State, 230 Ala. 139, 162 So. 310 (1935); and State Docks Commission v. State, 227 Ala. 521, 150 So. 537 (1933). On first reading, it might appear that the result reached by the Justices in Opinion No. 255 would apply here, but we think that a different result is required here.

Applying the principle of law set forth in the cited cases, we are of the opinion that the original purpose of House Bill 204, as stated in its title, was to "make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1992." At the time House Bill 204 was introduced, neither Section 3 nor Section 4 of House Bill 204, as engrossed, was included.

Those Sections provide:

"SECTION 3. It is the intent of the Legislature that the monies appropriated in this Act shall not be expended by any state department, division, board, bureau, commission, agency, institution or office to employ nor contract for the employment of any more persons than the highest number of full-time, part-time or temporary persons employed or contracted with during any point in time in the last two fiscal years. The director, officer or head of each state department, division, board, bureau, commission, agency institution or office shall certify to the State Finance Director and the Legislative Fiscal Officer by October 31, 1991, the highest number of classified, unclassified, exempt and contract employees employed by that agency full-time, part-time or temporarily at any point in time during the year for each of the past two fiscal years. Such agency head shall further certify to the State Finance Director and

the Legislative Fiscal Officer within 15 days after the end of each quarter of the fiscal year beginning October 1, 1991, the total number of classified, unclassified, exempt and contract employees paid from any funds appropriate to that department, division, board, bureau, commission, agency, institution or officer for each pay period during the previous quarterly period. It is expressly provided that this provision shall include any monies expended by an agency to contract with another state or non-state entity for the provision of services when 50% or more of the cost of such contract involves salaries or associated personnel costs.

"SECTION 4. The monies appropriated in this Act shall not be expended for the purchase or lease of automotive vehicles. Provided, however, that the Department of Public Safety may purchase automotive vehicles to be used for direct law enforcement purposes only and such vehicles shall not be utilized by any department personnel for administrative or support purposes. Said Department of Public Safety may not transfer automotive vehicles from law enforcement personnel nor vehicles designated for law enforcement purposes to other personnel in that Department nor shall vehicles be transferred to be used for any other purpose in that Department nor transferred to any other state agency. A state agency may request to purchase or lease automotive vehicles for emergency purposes. Said request must be made in writing to the State Finance Director, the Chairman of the House Committee on Ways and Means and the Chairman of the Senate Committee of Finance and Taxation and shall explain the nature of the automotive purchase and the emergency need for such vehicle. The request must be approved unanimously by the State Finance Director, the Chairman of the House Committee on Ways and Means and the Chairman of the Senate Committee of Finance and Taxation prior to the purchase or lease of any automotive vehicle."

It is apparent that these two sections, by providing respectively (1) that monies appropriated in House Bill 204 shall not be expended by a state entity to employ or contract to employ more persons than the highest number of persons employed or contracted to be employed at any point in the last two fiscal years, and (2) that monies appropriated by House Bill 204 shall not be expended for the purchase or lease of automobiles, thereby alter or amend the original purpose of House Bill 204 from a purpose of making appropriations to a purpose of limiting the powers and duties of state department heads to hire necessary employees and to make necessary equipment purchases granted to them by other provisions of law. The question presented, of course, is whether the general purpose of House Bill 204 was changed as a result of these additions to the bill. We think that it was, because Sections 3 and 4

limit powers otherwise provided by law for hiring necessary employees or change administrative procedures otherwise provided by law for the distribution and payment of state funds.

Although we have not researched the various Code provisions and state statutes that assign powers and duties to various state department heads to hire necessary employees and to make necessary equipment purchases, we do list some so as to give an indication of the effect that Sections 3 and 4 would have on those Code provisions and statutes. See, Ala. Code 1975, §§ 27-2-1 through -55 (powers and duties of the Department and Commissioner of Insurance); §§ 23-1-1 through -318 (powers and duties of the Highway Department); §§ 32-2-1 through -44 (powers and duties of the Department of Public Safety); §§ 29-7-1 through -7 (powers and duties of the Legislative Reference Service); and §§ 36-15-1 through -21 (powers and duties of the Attorney General).

The purpose of House Bill 204, as expressed in its title, was "To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the state, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1992."

House Bill 204, as amended and substituted to include Sections 3 and 4, provides that the appropriations made in House Bill 204 cannot be expended to hire necessary employees or to make necessary equipment purchases, and, further mandates that the director, officer, or head of each state department, division, board, bureau, commission, agency, institution, or office, file certain reports with the State Finance Officer and the Legislative Fiscal Officer. The mandates of Sections 3 and 4 of the Bill, therefore, effectively limit the powers of state officials otherwise granted to them by other provisions of law, and they appear to change the Bill's original purpose from one of making general appropriations to the various departments and agencies of state government to one of making appropriations but also repealing and changing other provisions of law that grant to the various state departments and agencies powers to hire necessary employees and to make necessary equipment purchases.

Although we are cognizant of the plenary power of the legislature to make conditional appropriations, and although we recognize that the legislature can repeal any prior law that grants to the various departments of state government a power, or imposes an administrative duty or executive function, we do not believe that such plenary power can be exercised by including such changed procedures in sections of a general appropriation bill. The Alabama Constitution specifically states that a general appropriation bill can "embrace nothing but appropriations

for the ordinary expenses of the executive, legislative, and judicial departments of the state, for interest on the public debt, and for public schools." Art. IV, § 71, Constitution of Alabama, 1901. Because House Bill 204, as amended and substituted, does embrace provisions other than appropriations, and because it was "so altered or amended on its passage through [the House of Representative] as to change its original purpose," as prohibited by Art. IV, § 61, Constitution of Alabama, 1901, we are of the opinion that House Bill 204, as amended and substituted, does violate Section 61 of the Alabama Constitution of 1901.

Your question 2 -- whether House Bill 204, as engrossed, contains more than one subject -- is also answered in the affirmative.

General appropriation bills are excepted from the "one subject" requirement of Section 45 of the Constitution,<sup>1</sup> as are "general revenue bills, and bills adopting a code, digest, or revision of statutes," but the overall purpose of Section 45 is broad enough to apply to bills that are excepted specifically. In Houston County Board of Revenue v. Poyner, 236 Ala. 384, 182 So. 455 (1938), this Court addressed this very issue and struck down a general revenue bill, also excepted from the provisions of Section 45, as being violative of Section 45 because it contained more than one subject. In Poyner, the Court noted that it is difficult to lay down a fixed and definite rule that will clearly mark the dividing line between what is and what is not violative of Section 45, but the Court clearly set forth the purpose of Section 45, as follows:

"Though often expressed in our decisions, yet it is well to again note in passing the outstanding purpose of the framers of our Constitution in inserting [Section 45] in our organic law: first, to prevent hodge-podge or logrolling legislation; second, to prevent surprise or fraud upon the legislature by means of provisions in the bills of which the titles give no intimation, and which might therefore be overlooked and carelessly and unintentionally adopted; and, third, to fairly apprise the people of the subjects of legislation that are being considered in order that they may have an opportunity of being heard thereon by petition or otherwise, if they so desire. And, as we have said, no one of these purposes is of more or less importance than the other. State ex rel. [Troy] v. Smith, 187 Ala. 411, 65 So. 942; Lindsay v. United States Savings & Loan Ass'n, 120 Ala. 156, 24 So. 171, 42 L.R.A. 783."

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*Art. IV, § 45, provides, in part, that "[e]ach law shall contain but one subject, which shall be clearly expressed in its title, except general appropriation bills...."*

236 Ala. at 386, 182 So. at 457. See, also, Opinion of the Justices, No. 323, 512 So.2d 72 (Ala. 1987), in which the Justices opined that "[a] statute has but one subject, no matter how many different matters it relates to, if they are all cognate, and but different branches of the same subject." Id. at 75, quoting Yielding v. State, 232 Ala. 292, 296, 167 So. 580, 583 (1936).

We are of the opinion that the infirmities contained in the general revenue bill held to be unconstitutional in Poyner are present in House Bill 204, as amended and substituted, because it states in its title that it makes appropriations for the ordinary expenses of various departments and agencies of state government, yet both provides and proscribes. Therefore, it is contrary to the purpose expressed in Section 45, to prevent the inclusion of matter in a bill that is incongruous with the title, a purpose that has of the distribution and receipt of state monies. We, therefore, opine that Sections 3 and 4 of the amended Bill, by restricting the means by which the various agencies of state government may spend the funds appropriated, create additional subjects in the Bill; and as we have already pointed out, the amended Bill would restrict the general powers of administration heretofore granted by other legislation. Thus, we are of the opinion that House Bill 204, as amended and substituted, would violate Section 45 of the Alabama Constitution of 1901.

Your question 3 -- whether House Bill 204 as engrossed embraces more than appropriations -- is also answered in the affirmative.

Section 71 of the Constitution states that "The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments of the state, for interest on the public debt, and for the public schools." Section 71 also provides, of course, "that the salary of no officer or employee shall be increased in such bill, nor shall any appropriation be made therein for any officer or employee unless his employment and the amount of his salary have already been provided for by law. All other appropriations shall be made by separate bills, each embracing but one subject." (Emphasis added.)

The intent of the people of Alabama, as expressed in Section 71, is clear. General appropriation bills should "embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments of the state, for interest on the public debt, and for the public schools." This provision was first included as Art. IV, § 32, of the Constitution of 1875, and was brought forward into the Constitution of 1901, with minimal debate. We have examined some of the debates of the 1901 Constitutional Convention relating to Section 71; we



find nothing there of substantial value in resolving the question you pose,<sup>2</sup> but we do note that the delegates to that Convention added to what is now Section 71 an additional provision that seems to indicate that an appropriation bill should be for the purpose of funding departments and agencies already established and provided for by law. Section 71 restates all that was contained in Article IV, § 32 of the 1875 Constitution, yet also provides:

"The salary of no officer or employee shall be increased in such bill, nor shall any appropriation be made for any officer or employee, unless his employment and the amount of his salary have already been provided for by law."

It would appear that a fair interpretation of this addition to Section 71 would be that appropriations should be made to agencies in the manner already provided for by law. Clearly, it would seem that the legislature should not be permitted to use a general appropriation bill as a means to repeal provisions of law establishing departments and agencies and granting to those departments and agencies the power to hire necessary employees and to make necessary purchases of equipment.

This Court has steadfastly adhered to the principle of law that an appropriations bill should include only matters that are cognate and germane to that purpose. In Alabama Education Association v. Board of Trustees of the University of Alabama, 374 So.2d 258 (Ala. 1979), this Court was presented with a litigated case that had several striking similarities to the facts stated in your request for an advisory opinion. There, the Alabama legislature had included in the education appropriation budget a provision making the appropriations conditional upon each educational institution's furnishing its employees, upon an employee's request, a dues check-off for the Alabama Education Association. The so-called "dues check-off" requirement in the appropriation bill was challenged on grounds that it violated both Section 45 and Section 71 of the 1901 Constitution. This Court held that there was no mention of the "dues check-off" in the title of the bill and thus, that there was "no

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*When Section 71 of the 1901 Constitution was adopted, the following dialogue occurred:*

*"MR. LOWE (Jefferson): Section 30 [Section 71 of the 1901 Constitution], second line, refers to the ordinary expenses. I hardly know what might be termed ordinary expenses. I think the tendency is to narrow or limit the legislature in that respect and for that reason, without further discussion on the question, I desire to send up an amendment. [Emphasis added.]*

*"The secretary read the amendment to [Section 71], to strike out the*  
FOOTNOTE 2 CONTINUED

warning or notice to the members of the legislature nor to the public that 'dues check-off' [was] required as a prerequisite to receiving an appropriation." 374 So.2d at 262. This Court continued:

"If this Act is not violative of § 45 or § 71, then there is little, if any, room for operation of those sections and extensive 'logrolling' would result to the detriment of the citizens of this state.

"If this Act does not violate § 45 or § 71, then any appropriation bill could carry in its body a hidden proviso that no judge, no legislator, nor the executive could receive the appropriations of his respective office until that official performs some act as a prerequisite.

"If this were permitted, no legislator, no public official nor the public would know of the existence of the hidden proviso without reading the entire bill. To require reading the entire bill so as to discover its pertinent provisions would clearly fly in the teeth of the requirements of § 45."

374 So.2d at 262 (emphasis original).

Section 71 provides that the legislature may, by separate bill or bills, repeal laws that create and grant powers to the various departments and agencies of the state, unless prohibited from doing so by other provisions of the state or federal Constitution, of course, but the legislature cannot, in our opinion, in view of the prohibition so clearly expressed in Section 71, include such provisions in the general appropriations bill.

Based on the foregoing reasons, we express our opinion that House Bill 204, as amended and substituted, does violate Section 71 of the Constitution of Alabama, 1901.

Respectfully submitted,

SONNY HORNSBY  
CHIEF JUSTICE

HUGH MADDOX

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word 'ordinary' where it appears in the second line of said Section.

"MR. OATES: That is an innovation upon the Section as found in the existing Constitution and I therefore move to table the amendment.

"Motion to table the amendment was carried."

Official Proceedings of the Constitutional Convention of the State of Alabama, Vol. II, p. 2518 (1940).

RENEAU P. ALMON  
OSCAR W. ADAMS, JR.  
J. GORMAN HOUSTON, JR.  
HENRY B. STEAGALL, II  
KENNETH F. INGRAM  
JUSTICES

**OPINION RENDERED**

The foregoing Communication from the Alabama Supreme Court, pursuant to SR 95, was read and ordered spread upon the Journal.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Langford (With Notice and Proof):

**S. 701.** Relating to Montgomery County; providing further for the expense allowance and compensation of the sheriff.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 701, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Owens (With Notice and Proof):

**S. 702.** Relating to Chilton County, to provide for an additional expense allowance for the tax collector.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 702, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Ellis (With Notice and Proof):

**S. 703.** Relating to Shelby County; repealing Act No. 1886, H. 2579, 1971 Regular Session, which provides for an assessment on forest lands for fire protection.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 703, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Owens (With Notice and Proof):

**S. 704.** Relating to Chilton County; authorizing the county coroner to appoint deputies.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 704, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Hilliard (With Notice and Proof):

**S. 705.** Relating to the Tenth Judicial Circuit in Jefferson County, amending Act No. 523, H. 121, 1975 Regular Session, as amended, so as to increase the number of deputy district attorneys in said circuit.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 705, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Barron (With Notice and Proof):

**S. 706.** Relating to DeKalb County; providing that the county commission or other like governing body of such county shall have the power to levy and collect additional privilege license taxes, excise taxes, gasoline taxes, sales and use taxes and other taxes and/or fees; providing that any such tax levied by said governing body shall become law either with or without a referendum in the sole discretion of said governing body; providing for the disposition of the proceeds of such taxes; and repealing conflicting laws.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 706, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Ellis (With Notice and Proof):

**S. 707.** Relating to the City of Alabaster in Shelby County; authorizing an additional ad valorem tax and providing for a referendum.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 707, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Windom (With Notice and Proof):

**S. 708.** Relating to Mobile County; to provide for the temporary release of certain prisoners in the county jail for the purpose of working at gainful employment or for other rehabilitative purposes; to provide for the payment by persons so released to the county of a portion of their gross earnings and for the utilization of the funds derived therefrom; to provide for the Mobile Pre-Trial Release and Jail Diversion Fund; to establish penalties for failure to appear or for violation of release conditions; to provide for the forfeiture of security deposited to insure the attendance of the defendant; and to provide for the administration and

supervision of activities hereunder by the Presiding Circuit Judge of the Thirteenth Judicial Circuit; and to authorize appropriations to the fund by the Mobile County Commission.

Committee on Local  
Legislation No. 3

I hereby certify that the notice and proof is attached to the Bill, SB 708, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Sanders:

**S. 709.** Relating to health care and making appropriations therefor.

WHEREAS, accessibility to health care, particularly primary care, is severely limited in certain areas of Alabama and is often fragmented and inefficient; and

WHEREAS, the percentage of Alabamians, especially women, who live in poverty is growing and poverty often means delay in seeking timely and necessary care and consequent death; and

WHEREAS, 1,041 out of 62,530 births in Alabama in 1989 received no prenatal care or received care only after the first trimester of pregnancy; and

WHEREAS, physicians and other highly trained health professionals are very difficult to recruit in the medically underserved areas of Alabama; and

WHEREAS, it is necessary to change the content and location of training for health professionals; and

WHEREAS, rural Alabamians are in poorer health than urban Alabamians; and

WHEREAS, accidental death rates are higher in rural areas; and

WHEREAS, infants born to parents without health insurance have a thirty percent greater chance of sickness or death; and

WHEREAS, approximately one-half of the persons who are

uninsured are employed or are in families with an employed parent; and

WHEREAS, a significant portion of the cost of health insurance premiums is used to support health care for the employees whose employer does not provide health insurance benefits; and

WHEREAS, tax credits for employers just beginning to provide health insurance coverage for its employees are a means of forging a public-private partnership to serve a common good; and

WHEREAS, employers providing health insurance coverage to employees in lieu of a wage increase may permanently save fifty to sixty percent of the cost of the insurance in combined savings on taxes; and

WHEREAS, only half of the Alabamians with incomes less than the federal poverty guidelines qualify for medicaid; and

WHEREAS, one in seven Alabama children has no health insurance; and

WHEREAS, the burden of providing charity care to Alabamians needing hospitalization is not evenly distributed across Alabama hospitals or adequately compensated; and

WHEREAS, the federal government matches state dollars at a ratio at seventy-two cents of federal money for every twenty-eight cents of state money for support of the medicaid program; and

WHEREAS, the reimbursement of expenditures for institutional long-term care is borne primarily by the medicaid program; and

WHEREAS, increases in the elderly population, advances in medical technology, and other factors have doubled the cost of health care since 1980; now therefore,

Committee on Health

By Senator Hale (With Notice and Proof):

**S. 710.** Relating to Cullman County, to amend Sections 1 and 12 of Act No. 83-778, S. 559, 1983 Regular Session (Acts 1983, p. 1426), which act levies a county hotel-motel lodging tax, so as to increase said tax, and to provide further for the use of the proceeds of such tax.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 710, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Dixon:

**S. 711.** To make an appropriation from the State General Fund to the Alabama's Young Woman of the Year for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Bailey:

**S. 712.** To make an appropriation from the Special Educational Trust Fund to the Wiregrass Museum of Art for the fiscal year ending September 30, 1992; and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Figures:

**S. 713.** To provide for the conditions under which an election may be held among the qualified voters of any incorporated municipality in Mobile County to determine whether alcoholic beverages may be legally sold and distributed in a municipality on Sundays by properly licensed retailers serving the general public; to provide conditions under which subsequent elections may be called to present the same question for reconsideration by the voters of the municipality; to provide the allowable dates on which elections called pursuant to this act may be held, to specify the question to be presented to the voters in such elections and to provide the manner in which such elections shall be conducted and the results canvassed, tabulated, certified and declared; to provide that the properly licensed sale and distribution of alcoholic beverages on Sunday, if approved by a majority of the voters in a municipality in an election held pursuant to this act, shall be legal in all of the municipality.

Committee on Constitution  
and Elections



By Senator Hilliard:

**S. 714.** To amend Section 40-23-50 of the Code of Alabama 1975, relating to contractors gross receipts tax so as to provide further that the contractors gross receipts tax collected annually on contracts made by the contractor with the Alabama Highway Department, or with a municipality or county if such contract is authorized by the Alabama Highway Department and funded in total or in part out of the Alabama Economic and Developmental Highway Trust Fund shall be distributed to the State Public Road and Bridge Fund; to provide for an annual allocation of not less than \$10,000,000.00 of said tax for public transportation purposes; to provide that funds not used during the year said funds are allocated, said funds may remain in escrow for a period not to exceed three years; to provide that funds in escrow may be re-allocated, by application, to either public transportation, state highways construction or maintenance programs; and to define public transportation.

Committee on Finance  
and Taxation

By Senator Owens (With Notice and Proof):

**S. 715.** Relating to Chilton County; providing certain additional compensation for the poll workers to be paid from the county general fund.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 715, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Dixon:

**S. 716.** To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Wilson:

**S. 717.** To amend further Section 41-9-431, Code of Alabama 1975, relating to the Space Science Exhibit Commission, so as to provide further for the composition of the commission, the qualifications, appointment, terms of office and removal of members of the commission.

Committee on Rules

By Senator Ellis (With Notice and Proof):

**S. 718.** To provide that the Shelby County Commission may provide office space for a Constituency Office to assist the members of the Shelby County Delegation to the Legislature in serving their constituents.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 718, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Ellis (With Notice and Proof):

**S. 719.** Relating to Shelby County; providing further for the compensation of the circuit clerk of the county.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 719, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Ellis (With Notice and Proof):

**S. 720.** To alter, rearrange and extend the boundary lines of the City of Calera in Shelby County, subject to referendum approval by a majority of the qualified electors residing within the territory proposed to

be annexed to said city.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 720, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Ellis (With Notice and Proof):

**S. 721.** To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Wilsonville, in Shelby County, to provide for a referendum election of the qualified electors who reside within the territory proposed to be brought within the municipal limits of Wilsonville.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 721, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Ellis (With Notice and Proof):

**S. 722.** To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Calera in Shelby County.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 722, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Ellis (With Notice and Proof):

**S. 723.** To alter, rearrange and extend the boundary lines of the

City of Calera in Shelby County, subject to referendum approval by a majority of the qualified electors residing within the territory proposed to be annexed to said city.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 723, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Owens (With Notice and Proof):

**S. 724.** Relating to Chilton County; to prohibit any utility company, board, corporation or commission (exclusive of communications) which provides service in Chilton County from providing such services to any dwelling or structure until a certificate of approved sanitation has been issued by the Chilton County health officer or his authorized representative; and to provide penalties for violations of same.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 724, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Hale (With Notice and Proof):

**S. 725.** Relating to Cullman County; to amend Section 1 of Act No. 1247, H. 1642, Regular Session 1971 (Acts 1971, p. 2147), relating to the issuance of pistol permits so as to increase the fee therefor.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB

725, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Ellis (With Notice and Proof):

**S. 726.** Relating to Shelby County, Alabama; to provide for the creation, maintenance and regulation of public corporations for the purpose of forming units for preventing and fighting fires and providing emergency services to sustain life, health and property, and to prescribe conditions and regulations relative to the creation of such public corporations; to prescribe the organizational structure, rights and powers of such public corporations; to prescribe certain limitations on the rights and powers of such public corporations and to provide for elections on questions of formation, indebtedness and financial support of such corporations.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 726, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Ellis:

**S. 727.** To amend Section 15-25-31, Code of Alabama 1975, which relates to the admissibility of out-of-court statements made by children, so as to provide further for such admissibility.

Committee on Judiciary/Civil

By Senator Sanders (With Notice and Proof):

**S. 728.** Relating to Perry County; to provide an expense allowance for the Sheriff of Perry County and to provide for retroactive effect.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB

728, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Lindsey (With Notice and Proof):

**S. 729.** Relating to Choctaw County; repealing Act No. 83-549, H. 451, 1983 Regular Session, which provides for an assessment on forest lands for fire protection.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 729, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Lindsey (With Notice and Proof):

**S. 730.** Relating to Choctaw County; providing that the Sheriff of Choctaw County may establish a canteen for the purpose of selling supplies to prisoners and to provide for the disposition for revenue derived from such sales.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 730, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Smith (J) (With Notice and Proof):

**S. 731.** Relating to Limestone County; providing that there shall be only one landfill in the county.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB

731, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Gaines and Carns:

**H. 29.** To provide a means whereby any insurer organized under the laws of any other state may become a domestic insurer; to provide a means for any domestic insurer to transfer its domicile to another state; and to provide a means for the continuation of a certificate of authority and other approvals pertaining to any foreign insurer which transfers its corporate domicile to another state by merger or consolidation or any other lawful method.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 29 - to the Committee on Banking and Insurance

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Gaston, Zoghby, Kennedy, Clark (W), Turner, Kvalheim, and Rockhold (With Notice and Proof):

**H. 855.** Relating to Mobile County; to provide the administrator of estates an annual county expense allowance of \$6,000.00, effective

October 1, 1991, which shall constitute the total compensation payable by the county to said official, in lieu of any local salary, expense allowance, per diem or other compensation previously provided by law to said official.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 855, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 855 - to the Committee on Local Legislation No. 3

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Petelos, Curry, and Haynes:

**H. 420.** To amend Section 40-18-19(6), Code of Alabama 1975, relating to exemptions from state income taxes, so as to exempt all payments made to a retiree or beneficiary of a "defined benefit plan"; and to provide retroactive effect for the provisions hereof to January 1, 1991.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing



Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 420 - to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

**SJR 130. NAMING THE MARTIN LUTHER KING, JR., HIGHWAY IN BESSEMER, ALABAMA.**

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 120. RECOGNIZING THE BIRMINGHAM ASSOCIATION OF REALTORS.**

Also:

**SJR 70. NAMING THE BRIDGE ON HIGHWAY 411, AT LEESBURG, IN CHEROKEE COUNTY, ALABAMA, IN HONOR OF THE LATE FRED E. REYNOLDS OF LEESBURG, ALABAMA.**

Also:

**SJR 117. DESIGNATING "INDEPENDENT COMMUNITY BANKING WEEK" IN ALABAMA, THE WEEK OF SEPTEMBER 15-21, 1991.**

Also:

**SJR 122. COMMENDING HIS ROYAL HIGHNESS KHALED BIN SULTAN BIN ABDULAZIZ OF SAUDI ARABIA.**

Also:

**SJR 123.** HONORING W. EARLE RILEY, M.D. OF BIRMINGHAM, ALABAMA FOR DISTINGUISHED SERVICE TO THE PUBLIC HEALTH AND WELFARE AND TO THE MEDICAL PROFESSION OF THIS STATE.

Also:

**SJR 124.** COMMENDING COMMUNITY INTENSIVE TREATMENT FOR YOUTH (C.I.T.Y.) ON ITS ACHIEVEMENT AT THE NATIONAL LEVEL.

Also:

**SJR 125.** COMMENDING MR. GARY FORTENBERRY OF CHOCTAW COUNTY, ALABAMA, ON HIS SELECTION AS SOUTHERN REGION TREE FARMER OF THE YEAR.

Also:

**SJR 126.** MOURNING THE DEATH OF MATTHEW HALL, JR., OF THEODORE, ALABAMA.

Also:

**SJR 129.** NAMING THE "MARTIN LUTHER KING, JR., HIGHWAY."

Also:

**SJR 119.** PROVIDING FOR THE ESTABLISHMENT OF THE ALABAMA COMMISSION ON AEROSPACE SCIENCE AND INDUSTRY.

GREG PAPPAS,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 789.** To appropriate the sum of \$311,500 from the State

General Fund to the Board of Pardons and Paroles for the fiscal year ending September 30, 1991.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**HJR 335. COMMENDING CHRISTI ZARR PAGE OF BAY MINETTE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.**

Also:

**HJR 337. COMMENDING JOAB LANGSTON THOMAS FOR HIS CONTRIBUTIONS TO EXCELLENCE IN HIGHER EDUCATION.**

Also:

**HJR 339. COMMENDING CORDELL WYNN OF TUSCALOOSA, ALABAMA, FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE.**

Also:

**HJR 340. RECOGNIZING WITH COMMENDATION THE FIFTH GRAND REUNION OF WESTERN-OLIN HIGH SCHOOL, JULY 25-28, 1991.**

Also:

**HJR 363. MOURNING THE DEATH OF J. C. CAMPBELL OF CENTER STAR, LAUDERDALE COUNTY, ALABAMA.**

Also:

**HJR 364. COMMENDING ERSKINE HAWKINS, A DISTINGUISHED ALABAMIAN OF INTERNATIONAL RENOWN.**

Also:

**HJR 371. COMMENDING PENNY MOORE OF SYLACAUGA, ALABAMA, FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE.**

Also:

**HJR 373. HONORING W. EARLE RILEY, M.D. OF BIRMINGHAM, ALABAMA FOR DISTINGUISHED SERVICE TO THE PUBLIC HEALTH AND WELFARE AND TO THE MEDICAL PROFESSION OF THIS STATE.**

Also:

**HJR 374. EXPRESSING THE LEGISLATURE'S SUPPORT FOR DEVELOPMENT OF RESOURCES OF THE ARCTIC NATIONAL WILDLIFE REFUGE COASTAL PLAIN TO PROVIDE FOR FURTHER U.S. ENERGY NEEDS.**

Also:

**HJR 331. NOTING WITH COMMENDATION THE "WELCOME HOME CELEBRATION," JULY 4, 1991, IN SELMA, ALABAMA.**

Also:

**HJR 332. HONORING MEMBERS OF THE SELMA NATIONAL GUARD 1135TH SUPPLY AND SERVICE COMPANY (DIRECT SUPPORT).**

Also:

**HJR 334. COMMENDING TOM DOLAN OF MONTGOMERY, ALABAMA, FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA AND CITIZENS THEREOF.**

Also:

**HJR 338. COMMENDING LIEUTENANT GENERAL CARL E. MUNDY, JR., USMC, MONTGOMERY, ALABAMA.**

Also:

**HJR 169. COMMENDING THE LAUDERDALE COUNTY HIGH SCHOOL GIRLS BASKETBALL TEAM AS THE 1991 STATE 3A GIRLS CHAMPIONS.**

Also:

**HJR 313. DECLARING AN EMERGENCY IN REGARD TO FUNDING FROM THE ALABAMA SPECIAL EDUCATIONAL TRUST FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1992.**

Also:

**HJR 327. DESIGNATING THAT PORTION OF ALABAMA HIGHWAY 165 IN RUSSELL COUNTY, ALABAMA, AS "LANDMARK HIGHWAY."**

Also:

**HJR 328. CONGRATULATING MR. AND MRS. ROBERT DALE BRASFIELD OF MONTGOMERY ON THE BIRTH OF A SON, PERRY ROBERT BRASFIELD.**

Also:

**HJR 330. MOURNING THE DEATH OF THOMAS COLVIN OF OZARK, ALABAMA.**

Also:

**HJR 333. HONORING MEMBERS OF THE SELMA NATIONAL GUARD 638TH ORDNANCE COMPANY (AMMUNITION).**

GREG PAPPAS,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after

the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**HJR 341. MOURNING THE DEATH OF BOBBY LEE AUSTIN OF GADSDEN, ALABAMA.**

Also:

**HJR 342. COMMENDING ROGERS SCHOOL, LAUDERDALE COUNTY, ALABAMA, ON THE STATE CLASS 3A BOYS BASEBALL CHAMPIONSHIP FOR 1991.**

Also:

**HJR 345. RELATIVE TO MEETING DAYS.**

Also:

**HJR 347. RECOGNIZING WITH COMMENDATION AND WELCOMING THE SOUTHERN REGIONAL CONFERENCE OF DELTA SIGMA THETA SORORITY, INCORPORATED, TO MONTGOMERY, JUNE 26-30, 1991.**

Also:

**HJR 354. COMMENDING JOSEPH C. MOQUIN FOR DISTINGUISHED SERVICE AND LEADERSHIP AS INTERIM PRESIDENT OF THE UNIVERSITY OF ALABAMA IN HUNTSVILLE.**

Also:

**HJR 357. MOURNING THE DEATH OF ROBERT C. MORROW OF TUSCALOOSA, ALABAMA.**

Also:

**HJR 359.** COMMENDING L. D. DOBBINS OF COLLINSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

**HJR 124.** COMMENDING T. C. BRITTON, JR., FOR DISTINGUISHED SERVICE TO THE STUDENTS AND SCHOOLS OF LEE COUNTY, ALABAMA.

GREG PAPPAS,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 552.** To levy a supplemental annual license tax or registration fee for each private passenger automobile, using the public highways of this state, in addition to the fees levied in Section 40-12-242 and 40-12-273(a), Code of Alabama, 1975; and to levy a supplemental annual license tax or registration fee on each truck or truck tractor, using the public highways of this state, in addition to the fees levied in Section 40-12-248 of the Code of Alabama, 1975, as amended, and Section 40-12-273(b), Code of Alabama, 1975; to provide that the proceeds from these supplemental fees be deposited in the State Treasury to the credit of the Alabama Economic and Developmental Highway Trust Fund of the State Highway Department.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after

the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 135.** To amend Section 1-3-8 of the Code of Alabama 1975 relating to the legal holidays in this state: to provide that National Memorial Day shall be a legal holiday in this state; to provide that Thomas Jefferson's birthday shall be observed in conjunction with George Washington's birthday; to provide further for the observance of Mardi Gras in this state; and to provide for a personal leave day for state employees in lieu of certain holidays.

GREG PAPPAS,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 555.** To amend Section 23-6-8 of the Code of Alabama, 1975, as amended, by increasing from \$25,000,000 to \$50,000,000 the amount of bonds the Industrial Access Road and Bridge Corporation can have outstanding at any one time.

GREG PAPPAS,  
Clerk.



**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 556.** Relating to the purchase of equipment for traffic law enforcement and the appropriation of funds therefore; to appropriate annually out of the Public Road and Bridge Fund of the State Highway Department \$3,500,000 to the Department of Public Safety for the purchase of equipment for traffic law enforcement; to provide for the transfer of funds quarterly from the Public Road and Bridge Fund to the Department of Public Safety.

GREG PAPPAS,  
Clerk.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Beasley, Flowers, Hooper, Knight, Bowling, Harvey,

Sanderford, White, Williams, Starkey, Rogers (J), Laird, Payne, Anderson, Zoghby, Rockhold, Smith (C), Newton (C), Rogers (F), Kennedy, Campbell, Cullins, Holley, McMillan, Clay, Walker, Willis, McKee, Crow, Cagle, Hogan, Blakeney, Black (L), Mikell, Thomas, Poole, McDaniel, Mathis, Warren, Holladay, Layson, Fuller, Turnham, Buskey (JE), Johnson, Carothers, Venable, and Kvalheim:

**H. 295.** To amend Section 36-21-8, Code of Alabama 1975, relating to certain law enforcement officers retaining their badge and pistol as part of retirement benefits, to include certain law enforcement officers who are employees of the state forestry commission.

Also:

By Rep. Lindsey:

**H. 762.** To provide for a supplemental appropriation of One Hundred Thousand Dollars (\$100,000.00) to the Alabama Department of Conservation and Natural Resources for matching funding or cooperative funding for the federal-state animal damage control program in Alabama.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 295 - to the Committee on Governmental Affairs/State Administration

HB 762 - to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Turner:

**H. 794.** To further provide for and regulate commercial fishing in Alabama; to amend Sections 9-11-141 and 9-11-142, Code of

Alabama 1975, so as to provide for an exception (to the otherwise applicable licensing requirements of said sections) for certain assistants; and to amend Section 9-11-143, Code of Alabama 1975, so as to provide for an increase in certain license and issuance fees, relating to use of certain commercial fishing equipment.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 794 - to the Committee on Agriculture, Conservation, and Forestry

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. McDowell:

**H. 885.** To amend Sections 40-8-1 and 40-9-1, Code of Alabama 1975, which provide for ad valorem tax assessment rates and certain exemptions from ad valorem taxation, so as to clarify certain language relating to property used for educational, charitable or religious purposes.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate

Standing Committee, as follows:

HB 885 - to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:  
By Reps. Beasley, Johnson, Mikell, Smith (C), Bowling, and Butler:

**H. 296.** Requiring any insurance company, health maintenance organization, employer or other organization that provides a pharmaceutical program to their employers or members, to obtain written proof that the provider pharmacies are registered with the Alabama state board of pharmacy and prescribing penalties for violation.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 296 - to the Committee on Health

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper (With Notice and Proof):

**H. 899.** Relating to Mobile County; to provide an annual supplemental salary of \$7,500.00 to the revenue commissioner, effective October 1, 1991, which shall be provided in lieu of any local salary, expense allowance, per diem, or other compensation previously provided by local law to said official; and prorating such supplemental salary from

various funds.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 899, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Box (With Notice and Proof):

**H. 1000.** Relating to Mobile County; requiring that the Board of School Commissioners shall publish a monthly financial report for the school system; requiring certain information be included in the report; providing for publication of the report; and providing further for the school budgets.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1000, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Harper (With Notice and Proof):

**H. 1002.** Relating to Mobile County, providing for additional compensation to members of the board of directors of certain public utility authorities.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1002, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing

Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 899, 1000, and 1002 - to the Committee on Local Legislation No. 3

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without Engrossment:

By Rep. Thomas (With Notice and Proof):

**H. 933.** Relating to Wilcox County, providing further for the compensation of the sheriff.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 933, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Parker (P) (With Notice and Proof):

**H. 978.** Relating to the Town of Priceville in Morgan County, Alabama; to validate, in certain cases, annexations heretofore held by the Town of Priceville.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 978, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Anderson (With Notice and Proof):

**H. 983.** Relating to Morgan County; providing for an expense

allowance for the members of the jury commission.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 983, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 933, 978, and 983 - to the Committee on Local Legislation  
No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Clay (With Notice and Proof):

**H. 992.** Relating to Bullock County; authorizing the county commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in the county; and providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 992, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Clay (With Notice and Proof):

**H. 995.** Relating to Bullock County; abolishing the offices of tax

assessor and tax collector; providing for the establishment of a consolidated and unified system of assessment and collection of ad valorem taxes under the supervision of an elective county official designated as county revenue commissioner; providing for the election and compensation of such revenue commissioner; and providing for a referendum upon the question of whether a majority of the qualified electors favor a revenue commissioner.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 995, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Biddle (With Notice and Proof):

**H. 1012.** Relating to Jefferson County, amending Act No. 87-524, H. 513, 1987 Regular Session, authorizing the Jefferson County Coroner-Medical Examiner's Office to take corneal tissue during the course of autopsy proceedings, so as to provide further for such authorization.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1012, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB's 992 and 995 - to the Committee on Local Legislation No. 1

HB 1012 - to the Committee on Local Legislation No. 2



**MESSAGE FROM THE HOUSE**

**Mr. President:**

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

**By Rep. Harvey (With Notice and Proof):**

**H. 987.** Relating to Blount County; providing for the merging of the budgetary operations of the Revenue Commissioner's office; providing that said office shall be financed on a pro rata share basis from proceeds of state, county and municipal ad valorem taxes collected in the county; and providing for supplemental effect.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 987, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

**By Rep. Clay (With Notice and Proof):**

**H. 896.** Relating to Bullock County; repealing Act No. 241, H. 751, 1976 Regular Session, as amended, which provides for an assessment on forest lands for fire protection.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 896, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

**By Reps. Starkey and Hamilton (With Notice and Proof):**

**H. 909.** To repeal Section 20 of Act No. 79-107, H. 171, of the 1979 Regular Session (Acts 1979, p. 129), relating to Lauderdale County and the office of ex officio license inspector, so as to abolish the ex officio office; to authorize the county commission to appoint the

Lauderdale County license inspector pursuant to Section 40-12-10 of the Code of Alabama 1975, as amended; and to specifically provide that the office of county license commissioner shall be preserved as well as the remainder of said Act No. 79-107.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 909, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 987, 896, and 909 - to the Committee on Local Legislation  
No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper (With Notice and Proof):

**H. 900.** Relating to Mobile County; to amend Act No. 86-545, S. 655 of the 1986 Regular Session (Acts of 1986, p. 1082), which provides for a county racing commission and the regulation of dog racing and wagering thereon, so as to amend Sections 6, 8, 10, 15 and 18 of said act, so as to delete residency requirements for certain applicants, owners and employees; to alter the permissible number of racing days; to authorize a licensee to receive and transmit certain racing broadcasts and to provide wagering on said broadcasts shall be subject to the same commissions as paid on live racing; to provide that the provisions of this act regarding broadcasting shall prevail over conflicting laws and regulations and to authorize the racing commission to establish necessary rules and regulations regarding said broadcasts; to further

provide for the tax on the total contributions to all pari-mutuel pools, the licensees' amount of commission and the distribution of amounts due on outstanding unredeemed mutuel tickets; to require the licensee to deposit a certain amount into an account to be used for capital improvements, to provide for the use of said funds and to define the term "capital improvements"; to provide further for the distribution of monies received under this act; and to regulate the expenditures of the commission.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 900, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 900 - to the Committee on Local Legislation No. 3

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Williams (With Notice and Proof):

**H. 947.** To alter or rearrange the boundary lines of the City of Ozark, Dale County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territories contiguous thereto, in Dale County, Alabama, and to provide for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 947, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Williams (With Notice and Proof):

**H. 948.** To alter or rearrange the boundary lines of the city of Ozark, Dale County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territories contiguous thereto, in Dale County, Alabama.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 948, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Williams (With Notice and Proof):

**H. 949.** To alter or rearrange the boundary lines of the Town of Newton, Dale County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territories contiguous thereto, in Dale County, Alabama.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 949, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 947, 948, and 949 - to the Committee on Local Legislation  
No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Morton, Drake, Campbell, Butler, Powell, Parker (T), Ford, Payne, Biddle, Haynes, Morrow, Hawkins, Letson, Black (M), Anderson, Newman, Millican, Petelos, Rogers (F), Rich, Smith (R), Haney, Rogers (J), McClain, Barnes, Carns, McDaniel, Sanderford, Dolbare, Layson, Cosby, Curry, Bugg, McMillan, Cullins, Buskey (JE), Gaston, Johnson, Beasley, Mathis, Bowling, Harvey, Buskey (JL), Turnham, Penry, McKee, Hooper, Kvalheim, Laird, Williams, Harper, Parker (P), Freeman, and Hill:

**H. 748.** To prohibit the Library Enhancement Fund in the education appropriations from receiving less than 70 percent of its appropriation in any fiscal year in which proration is declared.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 748 - to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. McMillan:

**H. 458.** To amend further Section 11-3-4, Code of Alabama

1975, relating to the compensation of county commissioners, so as to change the amount allowed for mileage to the amount allowed by the internal revenue code for income tax deductions.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 458 - to the Committee on Governmental Affairs/Local Government

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Biddle (With Notice and Proof):

**H. 665.** Relating to Jefferson County, providing for a salary for the statutory chief clerk of the probate court of said county.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 665, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. McClain, Petelos, Newton (D), Rogers (J), Barnes, and McDowell (With Notice and Proof):

**H. 765.** Relating to Jefferson County, to provide for the election procedures of the members of the city of Fairfield city council, by single-member districts and one at-large member in addition to the mayor; to further provide for the residency qualifications for such councilmen and the manner of filling a vacancy; to require certification

of any ordinance together with a map or plat of the district boundaries and the filing of such documents by the city clerk in the office of the judge of probate; to provide for the organization of the city council and the powers to be vested therein and/or to be exercised by such council; and to repeal conflicting laws.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 765, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Zoghby (With Notice and Proof):

**H. 891.** Relating to Mobile County; to provide an annual supplemental salary of \$7,500.00 to the license commissioner, effective upon the expiration of the current term of office, which shall be provided in lieu of any local salary, expense allowance, per diem, or other compensation previously provided by local law to said official; and prorating such supplemental salary from various funds.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 891, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB's 665 and 765 - to the Committee on Local Legislation No. 2

HB 891 - to the Committee on Local Legislation No. 3

**MESSAGE FROM THE HOUSE**

**Mr. President:**

The House has originated and passed the following Bill:

**By Rep. Harper (With Notice and Proof):**

**H. 1003.** Relating to Mobile County; to create and establish community advisory boards; to provide for said boards' authority, powers and duties; to provide for the recommendation of removal of school principals; and to provide that the superintendent of education require and submit a school by school budget.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1003, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

**HB 1003 - to the Committee on Local Legislation No. 3**

**MESSAGE FROM THE HOUSE**

**Mr. President:**

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

**By Reps. Carothers, Johnson, and Harper:**

**H. 785.** To provide for the reopening of the employees' retire-



ment system for certain active members who had employment with the Alabama Legislature prior to 1979.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 785 - to the Committee on Health

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (W) and Buskey (JE):

**H. 819.** To amend Section 11-43C-35, Code of Alabama 1975, relating to the compensation of the mayors of Class 5 Municipalities, so as to provide for such compensation and to provide for an effective date.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 819 - to the Committee on Governmental Affairs/Local Government

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills

and ordered same sent forthwith to the Senate without engrossment:

By Rep. Williams (With Notice and Proof):

**H. 977.** To alter or rearrange the boundary lines of the City of Daleville, Dale County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territories contiguous thereto, in Dale County, Alabama.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 977, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. Johnson and Haynes (With Notice and Proof):

**H. 981.** To authorize the city council of the City of Sylacauga, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by the City of Sylacauga, on all taxable property situated within the City of Sylacauga, the special ad valorem tax for public school purposes which is authorized in Amendment No. 56 to the Constitution, to a maximum rate, for any tax year of the city, which is equal to \$2.10 on each one hundred dollars (21 mills on each dollar) of assessed value.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 981, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Hammett (With Notice and Proof):

**H. 986.** Relating to the City of Opp in Covington County; authorizing an additional ad valorem tax to be used for the general educational purposes and providing for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 986, AS REQUIRED IN THE  
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing  
Message from the House, were severally read one time and referred to  
appropriate Standing Committee, as follows:

HB's 977, 981, and 986 - to the Committee on Local Legislation  
No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and  
ordered same sent forthwith to the Senate without engrossment:

By Reps. Payne, Newton (D), Biddle, and Morton (With Notice and  
Proof):

**H. 340.** Relating to Jefferson County, providing for a subsis-  
tence allowance for certain law enforcement officers.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS  
ATTACHED TO THE BILL, HB 340, AS REQUIRED IN THE  
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing

Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 340 - to the Committee on Local Legislation No. 2

### REPORTS OF COMMITTEES

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Haynes, Johnson, Mathis, Carothers, Beasley, Thomas, Turner, Poole, Harper, Kennedy, Warren, Starkey, Higginbotham, Rogers (J), and Newman:

**H. 324.** To amend Section 36-26-36.1 of the Code of Alabama 1975, relating to sick leave for state employees and teachers so as to provide further for the accumulation and use of such sick leave in determining years of creditable service in the employees' or teachers' retirement system of Alabama.

By Rep. Hammett:

**H. 488.** To amend Sections 36-21-60, 36-21-61 and 36-21-63, Code of Alabama 1975, as amended, relating to the Peace Officers' Annuity and Benefit Fund, so as to provide for additional members to the board and to further provide for a quorum.

By Reps. Carothers, Mathis, and Beasley:

**H. 704.** To direct and authorize the department of conservation and natural resources, game and fish division, to enter into certain reciprocal agreements with the State of Florida so as to allow the respective states to honor any valid fishing or hunting license for Alabama or Florida, in possession of the citizens of either state, who are sixty-five years or older, to fish or hunt by the reciprocal state without further charge; to authorize the department to issue and enforce reasonable rules and regulations pursuant to any reciprocal agreement with Florida.

By Rep. Harper:

**H. 736.** To amend further Code of Alabama 1975, Section 32-5-313, relating to penalties for traffic infractions to provide funding for the

driver education and training fund the Alabama college system truck driver training consortium fund, the catastrophic trust fund for special education, the Alabama traffic safety center fund and the state safety coordinating committee, so as to increase the penalty and to provide further for the distribution of funds.

By Rep. Ford:

**H. 787.** To amend Section 7-9-403, Code of Alabama 1975, which relates to the filing of financing statements, so as to provide further for such filing.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Flowers:

**H. 136.** To authorize and provide the procedure for certain full-time employees of Soil and Water Conservation Districts throughout Alabama to be covered under the state employees' health insurance plan; to provide for the payment of the premiums for employees and their dependents; to provide for the termination of coverage under this act; and to require the state employees' insurance board to promulgate rules and regulations as may be required for the effective administration of the provisions of this act.

By Reps. Haynes, Carothers, and Johnson:

**H. 408.** To amend Section 27-30-34 of the Code of Alabama 1975, relating to provision of domestic life and disability insurance pursuant to chapter 3 so as to authorize the calculation of reserve liabilities for all policies issued by mutual aid associations, to provide for the methodology used to calculate the reserve liabilities provided for in Section 27-36-7 of the Code of Alabama 1975, and to provide for limitations.

By Senator Hilliard:

**S. 691.** To amend Section 27-8-10, Code of Alabama 1975, so as to reduce the waiting period for a person who has failed to pass two examinations for licensing as a life or disability insurance agent; to reduce said waiting period for a person being examined for licensing as

a property and casualty agent pursuant to Section 27-7-10, Code of Alabama 1975; and to expressly repeal Section 27-7-16, Code of Alabama 1975.

Senator Preuitt, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Holley:

**H. 55.** To exempt certain rescue service organizations operating within the State of Alabama from all state, county and municipal sales and use taxes.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Mitchell, Little, and Foshee:

**S. 54.** To amend Section 40-18-19, Code of Alabama 1975, relating to state income tax exemptions, so as to provide further for such exemptions.

By Senator Horn:

**S. 224.** To make an appropriation from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year 1991-92 and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Horn (With Substitute):

**S. 263.** To make an appropriation to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1992.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Horn:

**S. 274.** To make an appropriation from the State General Fund to the Helen Keller Property Board for the fiscal year ending September 30, 1992 and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Little (With Substitute):

**S. 464.** To provide that any member of the employees' retirement system of Alabama, who, not more than one year prior to becoming a member of the said system, was a member of the judicial retirement fund, may elect to transfer his creditable service and accumulated contributions from the judicial retirement fund to the employees' retirement system.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Campbell (With Amendment):

**S. 541.** To amend Section 2-27-9, Code of Alabama 1975, which provides for the registration of pesticides, so as to raise the registration fee from \$50 to \$100 per product brand.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Dial:

**S. 577.** To amend Sections 34-4-6, 34-4-20, 34-4-21, 34-4-27,

34-4-29, 34-4-30, 34-4-31, 34-4-50 and 34-4-53, Code of Alabama 1975, relating to the Alabama Auctioneers License Act, so as to provide further for the license fees, the issuance of licenses by the Alabama Real Estate Commission, identification numbers for license certificates, the board's powers of revocation and suspension, the authority of the board to employ certain persons, and the compensation of the members of the board.

By Senator Langford:

**S. 618.** To amend Section 2-27-10, Code of Alabama 1975, which provides for the licensing of restricted-use pesticide sellers and dealers, so as to raise the annual license.

By Rep. Buskey (JL):

**H. 21.** To amend Section 41-16-24 of the Code of Alabama 1975, relating to bids on public contracts, so as to provide for trade-in value to be credited against cost of certain replacement property.

By Reps. Newton (D), Buskey (JE), Grayson, Kennedy, Clay, Clark (W), and Barnes:

**H. 80.** Denying any state tax exemptions or deductions to any country or golf club that discriminates against any person on the basis of race, color, sex or religion.

By Rep. Warren:

**H. 117.** To amend Sections 9-13-196 and 9-13-197, Code of Alabama 1975, relating to failure to pay certain assessments on forest lands, so as to provide further for the sale and redemption of said land and provide further for the retroactive repeal of local laws levying an acreage assessment.

By Rep. Harper:

**H. 251.** To make an appropriation from the State General Fund to the Alabama Council for Parenting and Protecting Children, Inc. for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

**H. 265.** To amend Section 41-4-17, Code of Alabama, 1975, as



amended, so as to eliminate the State Capitol building from exception of rent.

By Rep. Harper:

**H. 266.** To amend Act No. 90-556 of the Regular Session, 1990, as it amended Act No. 89-79 of the Regular Session, 1989, as it amended Act No. 88-947 of the 1st Extraordinary Session, 1988, as it amended Act No. 87-761 of the Regular Session, 1987, as it amended Section 4 of Act No. 86-645 of the 1st Extraordinary Session, 1986, concerning the repayment of funds transferred from Fund No. 305735 by said Act.

By Rep. Johnson:

**H. 497.** To authorize the Alabama Medicaid Agency to make financing available for addressing liability insurance costs for family practitioners, pediatricians and obstetricians who provide obstetrical services in rural or underserved areas; and authorize the Alabama Medicaid Agency to annually adjust such financing to allow for annual premium increases; and for other purposes.

By Rep. Harper:

**H. 267.** To amend Section 2-C-52 of Act 90-764 of the Regular Session, 1990, so as to eliminate the requirement for a transfer to the State General Fund of \$2,000,000 from the Capitol Complex Maintenance and Repair Fund.

By Rep. Harper:

**H. 280.** To require an additional fee for licensure and renewal of licenses as a general contractor and providing that the revenue derived from such additional fees shall be distributed to institutions of higher education offering certain courses of study.

By Reps. Penry, Harper, McMillan, Carter, and Rockhold:

**H. 596.** To further provide for the tax exemptions on certain ships and vessels and commercial fishing vessels of over five (5) tons load displacement as registered with the U. S. Coast Guard licensed by the State of Alabama Department of Conservation and Natural Resources; to amend sections 40-23-2, 40-23-4, 40-23-61 and 40-23-62 of the Code of Alabama 1975, as amended, relating to exemptions from sales and use taxation, generally; excise tax on the storage, use or other

consumption of certain tangible personal property and exemptions therefrom; to repeal any conflicting laws, rules or regulations; and to make the provisions retroactively effective.

By Rep. Harper:

**H. 645.** To make a supplemental appropriation for the sum of Twenty-five thousand dollars (\$25,000) to the Alabama Liquefied Petroleum Gas Board from the Alabama Liquefied Petroleum Gas Board Fund for the fiscal year ending September 30, 1991.

By Rep. Freeman:

**H. 664.** To amend Sections 8-6-10, 8-6-11 and 8-7-6, Code of Alabama 1975, relating to the Alabama Securities Commission, so as to provide further for funding for said commission by increasing certain commission application and investigative fees as well as earmarking certain other existing securities commission application and license fees for use by the commission; and to provide for an appropriation to the Alabama Securities Commission from monies deposited in the Alabama Securities Commission Fund.

By Rep. Harper:

**H. 706.** To expand the purposes for which the Alabama Youth Services Board may expend certain funds appropriated in Act 90-764, section 2C.

By Senator Windom:

**S. 42.** Relating to the judicial retirement system; authorizing certain circuit judges to purchase credit for service as assistant district attorney; providing for the terms and manner of such purchase.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Lindsey:

**S. 152.** To amend Section 36-26-36.1 of the Code of Alabama 1975, relating to sick leave for state employees and teachers so as to provide further for the accumulation and use of such sick leave in deter-

mining years of creditable service in the employees' or teachers' retirement system of Alabama.

By Senator Bailey:

**S. 519.** Relating to certain facilities used for detention and shelter care of children: to amend Section 12-15-61, Code of Alabama 1975, so as to provide further for such detention and shelter care and to provide for subsidy by the state of certain costs thereof, effective October 1, 1991.

By Senator Bedsole:

**S. 628.** To amend Section 11-50-342 of the Code of Alabama 1975, relating to the membership of the board of water and sewer commissioners so as to provide further for an increase in said membership.

By Senator Mitchell:

**S. 687.** To provide that any elected county official participating in the Employees' Retirement System as a member thereof may, prior to January 1, 1992, elect to cease membership in said system; and to provide that in the event of the making of such election, such official's right to receive benefits otherwise under said system shall not be affected.

By Rep. Campbell:

**H. 95.** To amend Sections 22-21-20 and 22-21-27 of the Code of Alabama 1975, relating to licensing of hospitals, nursing homes and other health care institutions so as to include hospices; and to provide further for the composition of the advisory board and the power of certain board members.

By Reps. Butler, Beasley, Johnson, Mikell, Smith (C), and Bowling:

**H. 292.** To amend Section 34-23-1, and 34-23-32, Code of Alabama 1975, which requires the annual registration of drug manufacturers with the state board of pharmacy, so as to likewise require wholesale distributors of drugs to register annually with said board, and to increase the board's fee for permits and renewals of permits.

By Reps. McDowell, Rogers (J), McClain, and Barnes:

**H. 601.** To provide for the licensing and issuing of county

permits for every fortune-teller, clairvoyant, palmist, astrologer, phrenologist, character reader, spirit medium, absent treatment healer or mental healer and every person engaged in any occupation of a similar nature.

By Reps. McMillan, Kvalheim, and Gaston:

**H. 710.** To amend Sections 34-27-8, 34-27-32, 34-27-33, 34-27-34, 34-27-35 and 34-27-36 of the Code of Alabama 1975, relating to real estate brokers so as to provide further that a quorum consisting of a majority of the commission members may act and to require agency disclosure in each offer to purchase; to amend licensing requirements to add 15 hours to the prelicense course and to comply with federal court order; to provide for forfeiture of entire exam fee on failure to appear; to expand further the time allowed an applicant after passing the exam to have his license issued; to delete license transfers during September of the final year of a license period; to provide further that real estate licenses reflect license registration requirements and to clarify further renewal and issuance of inactive licenses; to remove continuing education exemption for those over 65; to remove requirement of refresher course; and to provide further for disciplinary action.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Denton (With Substitute):

**S. 586.** To establish the "Alabama Pawnshop Act"; to provide for certain definitions; to provide for the legal rate of interest and pawnshop charge which may be charged by a pawnbroker; to provide for exceptions; to provide that amounts in excess of the legal interest rate and pawnshop charge shall be uncollectible and shall void the pawn transaction; to provide for dates of payment; to provide for prohibited acts by pawnbrokers; to provide for the duties of pawnbrokers; to provide for inspection by certain law enforcement officers; to provide for liens for pawnbrokers; to provide for the redemption or automatic forfeiture of pledged goods; to provide for the satisfaction of liens of pawnbrokers; and to repeal sections 8-1-80 through 8-1-84, Code of Alabama 1975.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to

the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Mathis:

**H. 348.** Proposing an amendment to the Constitution of Alabama of 1901, authorizing the tax assessors, tax collectors, revenue commissioners, license commissioners and other ad valorem tax officials in the various counties of this state to elect to participate in the state employees' retirement system or the county retirement system, if available; providing for an election between the state employees' retirement system and a county retirement system; prohibiting future officials taking office for the first time after the effective date of this amendment from participating in the supernumerary program provided by Title 40, Chapter 6, Code of Alabama 1975; and providing that such officials presently participating in the supernumerary program may continue therein.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Knight:

**H. 597.** To provide for the employment, powers, and duties of police officers of the University of Montevallo.

By Senator Horn:

**S. 602.** To amend Section 16-11-2 of the Code of Alabama 1975, relating to city boards of education so as to provide further for election of said boards under authority of a local law and to provide further for members of said boards.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Sanders (With Substitute):

**S. 646.** To authorize each county in the state to acquire, own and operate one or more jails, prisons or other criminal detention facilities; to grant to each county the power to enter into agreements with other governmental entities pursuant to which inmates are transferred

from other jurisdictions to be incarcerated within a facility maintained by such county; to specify the conditions under which each county may enter into such agreements with governmental entities located outside the state of Alabama; to provide for the respective responsibilities of the sheriff of each county and the county commission of each county with respect to the maintenance and operation of any such facility; to authorize said sheriff and said county commission to delegate or assign all or a portion of such responsibilities to others pursuant to contract; to provide for a referendum of the voters of any county on the question of whether this act will become effective in such county; to provide for the disposition of the net revenues received by any county from the operation of any jail, prison or other criminal detention facility pursuant to this act; to grant certain rights and powers to the Alabama department of corrections and the commissioner thereof with respect to the approval of any such facility and the monitoring of the operation thereof; and to provide that any contracts entered into by a county or by a sheriff of a county pursuant to the provisions of this act shall be exempt from competitive bid laws.

Senator Wilson, Chairperson of the Standing Committee on Energy and Natural Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Dolbare, Fuller, Turner, and Laird:

**H. 392.** To permit a domestic limited partnership to merge with one or more domestic limited partnerships, corporations or certain other business entities; to provide for the requirements, effects and procedures of merging said entities; to provide for certain filings and reports and the contents and effect of said filings and reports; to provide for service of process; and to provide for the vesting of certain rights, privileges, powers, property, liabilities and duties.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator deGraffenried:

**S. 669.** To amend Section 40-17-38 of the Code of Alabama 1975, as amended, relating to discounts of certain distributors, refiners,

storers or wholesalers of gasoline, by increasing the maximum amount of distributor discount allowed to refiners, storers, distributors or wholesalers, as defined by Section 40-17-30.

By Rep. Box:

**H. 319.** Provides for the appointment of a private non-profit corporation by the courts to serve as guardian or conservator or both for persons who are developmentally disabled. Establishes further qualifications for such organizations to be appointed and designates the Alabama Department of Mental Health/Mental Retardation to develop guidelines for the activities of those corporations appointed as Guardian for a person with developmental disabilities.

By Reps. Biddle, Newton (C), and Johnson:

**H. 423.** To amend sections 22-52-2, 22-52-3, 22-52-4, 22-52-6, 22-52-7, 22-52-8, 22-52-9, 22-52-11, 22-52-12, 22-52-13, and 22-52-15, Code of Alabama 1975, relating to mental health and mental retardation, so as to provide further for the involuntary commitment, discharge and transfer of persons in state institutions; to prescribe definitions; to provide for new commitment criteria for persons whom petitions for involuntary commitment have been filed and to grant the department the authority to designate mental health facilities to receive persons for evaluations, admissions, detention, treatment and discharge; to allow designated mental health facilities to contract with public or private mental health facilities, subject to approval by the department, for care and treatment of committed persons; to allow the probate court the alternative to commit a respondent to outpatient treatment; to create standards that the probate court must follow in ordering outpatient treatment and to set a time limit on the outpatient treatment order; to create criteria for inpatient treatment, to set time limits on the order for inpatient commitment, and to provide a mechanism whereby an inpatient commitment order may be extended; to provide for the appointment of special probate judges to consider, hear and enter appropriate orders with regard to the renewal of commitment orders; to allow the transfer of a respondent committed to inpatient treatment to another treatment facility; to grant all persons acting in good faith in connection with the evaluation, examination, certification, testing, admission, detention, treatment or discharge of any respondent, freedom from all civil liability by reason of such action; to specifically repeal sections 22-52-1 and 22-52-10 of the Code of Alabama 1975; and to provide for an effective date.

Senator Mitchem, Chairperson of the Standing Committee on

Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Freeman and Butler:

**H. 658.** To authorize certain employers to purchase workers' compensation insurance with a deductible provision.

Senator Langford, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Haynes (With Substitute):

**H. 506.** To authorize municipalities or counties to acquire sites, purchase and construct homeless shelters, halfway houses and emergency housing, and affordable single and multi-family dwellings; to receive funds for said use; to sell and issue bonds; to execute mortgages and deeds; to appropriate or lend funds to any public or private not-for-profit corporation created to fund such housing and dwellings; to join other municipalities or counties in the exercise of such powers; to require that certain construction authorized pursuant to this act shall be performed by a licensed contractor; and to require certain construction shall be subject to the state competitive bid laws.

Senator Owens, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Denton:

**S. 587.** To amend Section 8-17-217, Code of Alabama 1975, relating to permissible fireworks, to exclude bottle rockets specifically from the definition of fireworks that may be sold within the state by establishing minimum size requirements for sky rockets, but to provide that such devices may be stored by licensed manufacturers, distributors and wholesalers within the state for sale outside the state, and to provide for an effective date.



By Reps. Hawkins, Hooper, Hill, Knight, Morton, Carns, Petelos, and Parker (T):

**H. 72.** To provide for the "Alabama Safety Belt Use Act of 1991"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

Senator Ghee, Chairperson of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Lindsey, Floyd, Corbett, Ghee, Wilson, Parsons, Campbell, and Langford:

**S. 584.** To propose an Amendment to Article I, Section 11 of the Constitution of Alabama of 1901, so as to provide further for the right to trial by jury.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Campbell:

**H. 301.** To propose a self-executing amendment to the Constitution of Alabama of 1901, as amended, to provide for the acquisition, maintenance and protection of lands and water areas in this state having unique ecological systems, plant and animal life, geological formations, wildlife habitats, recreational value and scenic beauty; to make certain declarations of purposes and state policies regarding the protection of such lands and waters; to provide definitions of terms; to provide for management of such program and to designate categories of lands and waters to be acquired; to establish the Alabama Forever Wild Land Trust for such purposes; to provide for the establishment of a board of trustees to govern said trust, its membership, selection process, terms of office and vacancy appointments; to provide for the rights, powers, duties and responsibilities of said board; to provide for a final approval committee and its responsibilities; to provide tax deductions for property donated to the Forever Wild Land Trust; to prohibit condemnation of properties for said trust; to guarantee that the acquisition and conservation of such lands and waters will not impair existing property rights or interfere with the legitimate needs of utilities and other business organizations having

the power to condemn property for public use and necessity; to provide for funding of said trust from percentages of trust income earned from investment of funds in the Alabama Trust Fund; to provide for title to acquired property to be held by the Alabama Trust Fund Board; to provide for a stewardship account for the maintenance of properties acquired by the Forever Wild Land Trust; to provide for conservation restrictions and easements to further the program established by this Amendment; to provide for an Alabama Natural Heritage Program; to provide for the dedication of natural area preserves; to provide that after the state's 2011-2012 fiscal year, revenues directed to said Forever Wild Land Trust shall be paid to the general fund of the State of Alabama, with the exception of 2.5% of such revenues needed to continue funding of the stewardship account or as provided by the Legislature; and to provide that income generated from acquired property shall accrue to the general fund of the State of Alabama.

The above Bill was read a second time at length as required by the Constitution.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Ellis and Owens (With Notice and Proof):

**S. 662.** Relating to Bibb County; authorizing the levy in such county of an additional tax, paralleling the state sales tax provided for in article 1 of chapter 23 of Title 40 of the Code of Alabama 1975, as amended; providing for certain exemptions; providing for the collection of such tax by the state department of revenue, and for the distribution and use of the proceeds thereof; providing for the enforcement of the act; providing penalties for violations of the act; and providing for an effective date.

By Senators Owens and Ellis (With Notice and Proof):

**S. 664.** Relating to Bibb County; providing for the mode of construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to

the roads, bridges and ferries of Bibb County; prohibiting the performance of certain work on private property and providing civil fines for violations; and providing for this bill to become effective on October 1, 1991.

By Senator Ellis (With Notice and Proof):

**S. 666.** Relating to the Eighteenth Judicial Circuit of Alabama; to amend Act No. 79-523, H. 426, 1979 Regular Session, so as to provide an increase in expense allowance for each official reporter within the said judicial circuit.

By Senator Ellis (With Notice and Proof):

**S. 667.** Relating to Shelby County, amending Section 1 of Act No. 191, H. 525, 1971 Regular Session, which provides a special expense allowance of \$2,400.00 per annum for the presiding circuit judge of the Eighteenth Judicial Circuit above that of the other Circuit Judges, said allowance also being outside the current \$15,000.00 expense allowance for each Circuit Judge, so as to provide that such \$2,400.00 may be received by the presiding judge's confidential employee at his designation.

By Senator Foshee (With Notice and Proof):

**S. 672.** Relating to the City of Opp in Covington County; authorizing an additional ad valorem tax to be used for the general educational purposes and providing for a referendum.

By Senator Smith (J) (With Notice and Proof):

**S. 693.** Relating to Madison County; prescribing the salaries of the chairman and the members of the Madison County Commission and abolishing annual expense allowances.

By Senators Ellis and Owens (With Notice and Proof):

**S. 668.** Relating to Bibb County; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing those procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties

and compensation of such election officials.

By Reps. McMillan and Penry (With Notice and Proof):

**H. 495.** Relating to the Board of Education of Baldwin County; authorizing the board to expend public school funds to provide office supplies and equipment for use in the office of the Superintendent of Education.

By Rep. Anderson (With Notice and Proof):

**H. 955.** Providing for a board of education for the City of Decatur, Morgan County, Alabama to be elected by the qualified electors of said city; providing that the members of such board shall be elected from defined school districts; providing for the terms of office, qualifications and compensation of such members; prescribing procedures for electing such members and for filling vacancies on such board; providing for board representation for persons not residing within a specific school district; providing certain immunity for such board members; providing for financial audits of the records of such board and providing that this act shall become effective upon the ratification of an amendment to the Constitution of Alabama 1901, authorizing an elected school board for the City of Decatur.

By Rep. Anderson:

**H. 956.** Proposing an amendment to the Constitution of Alabama of 1901, providing for the election of the members of the board of education in the City of Decatur, Morgan County, Alabama.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Hall and Freeman (With Notice and Proof):

**H. 567.** Relating to Madison County; to provide for the election of the county superintendent of education at the expiration of the present tenure of office; to provide who may participate in said election; to provide for the election procedure; to provide for an interim appointment of the county superintendent of education in certain instances; to provide for the term of office and the method of filling vacancies; to provide for the qualifications and duties of said office and to provide for the compensation paid to the county superintendent of education.

By Rep. Letson (With Notice and Proof):

**H. 676.** Relating to Lawrence County, repealing Act No. 86-380, H. 725, 1986 Regular Session, which provides for the equalization of salaries of certain clerks employed in the offices of certain elected county officials.

By Reps. Higginbotham and Turnham (With Notice and Proof):

**H. 680.** Relating to the City of Opelika; to provide that the City of Opelika shall not exercise police jurisdiction or taxing power in any county unless a part of its corporate limits also lies in the county.

By Rep. Bugg (With Notice and Proof):

**H. 738.** Relating to Etowah County; to provide that the probate judge shall provide for an additional method of ordering annual certificates of registration of boats by mail; to provide that the probate judge shall charge an additional \$2.00 to the boat owner for each such certificate issued by mail, and to provide for the disposition of such fees.

By Rep. Millican (With Notice and Proof):

**H. 747.** Relating to Winston County; levying additional costs and charges of court; providing said additional costs and charges of court shall be expended for the cost of constructing, financing, planning, equipping and operating a new judicial building and jail; providing that the provisions of this act shall only become operative if approved by a majority of electors at a referendum; and to provide for the manner of conducting said referendum.

By Rep. Gullatt (With Notice and Proof):

**H. 842.** Relating to the appointment of deputies in the sheriff's office of Russell County; providing for the manner of appointment and determination of number and the compensation; repealing Act No. 87-529, H. 994 of the 1987 Regular Session (Acts 1987, p. 803) which provides for additional deputies.

By Rep. Morrow (With Notice and Proof):

**H. 862.** To repeal Act No. 81-771, S. 666, 1981 Regular Session (Acts 1981, p. 1328), relating to forest fire protection in Franklin County.

By Rep. Parker (P) (With Notice and Proof):

**H. 866.** To alter, rearrange and extend the boundary lines and

corporate limits of the municipality of Hartselle, in Morgan County.

By Rep. Campbell (With Notice and Proof):

**H. 871.** To authorize the city council of the City of Anniston, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by the City of Anniston, on all taxable property situated within the City of Anniston, the special ad valorem tax for public school purposes which is authorized in Amendment No. 8 to the Constitution, to a maximum rate, for any tax year of the city, which is equal to \$2.43 on each one hundred dollars (24.3 mills on each dollar) of assessed value.

By Rep. Newman (With Notice and Proof):

**H. 886.** Relating to Lamar County, providing further for the distribution of certain funds to the Lamar County Water Authority and to rescue squads and certified fire departments.

By Rep. Richardson (With Notice and Proof):

**H. 889.** Relating to Jackson County; to amend Section 7 of Act No. 89-265 enacted at the 1989 Regular Session of the Legislature of Alabama, so as to specifically authorize the Jackson County Water Authority to sell and issue bonds of the authority; to specify the use of proceeds of such bonds and the source of payment thereof; to make certain provisions with respect to the form, terms, denominations, tenor and maturities of such bonds, the interest thereon and the method and time of computing and paying such interest; to provide for the sale, execution and delivery of such bonds; to provide for liability on such bonds and security for the payment of principal thereof and interest thereon; and to make certain other provisions with respect to the borrowing of money and the issuance of bonds or other obligations by the authority.

By Rep. Lindsey (With Notice and Proof):

**H. 931.** Relating to Cleburne County; to provide that the probate judge shall provide for an additional method of ordering annual certificates of registration of boats by mail; to provide that the probate judge shall charge an additional fee to the boat owner for each such certificat issued by mail, and to provide for the disposition of such fees.

By Rep. Gullatt (With Notice and Proof):

**H. 937.** Relating to Russell County; authorizing the county commission to increase the compensation for election officials who work

at polling places.

By Rep. Hammett (With Notice and Proof):

**H. 939.** To authorize the City of Florala in Covington County to construct, maintain and operate a cable television service.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Willis (With Notice and Proof) (With Amendment):

**H. 950.** Relating to Calhoun County; to amend Act No. 87-426, H. 775, 1987 Regular Session (Acts of Alabama, 1987, p. 636), which authorizes Calhoun County, to levy an annual license or privilege fee upon any business except for practicing the religious tenants of any church, so as to provide that if a business is conducted as certain entities in which more than one natural person is engaged as a lawyer, actuary, accountant, architect, doctor, dentist, osteopath, chiropractor, optometrist, oculist, or optician, then each natural person so engaged shall be treated as if such natural person were conducting a separate business and each such natural person shall pay a license or privilege fee, and so as to provide that one of the purposes of said act is to provide for local needs in Calhoun County, Alabama, not provided for by a general law.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Hammett (With Notice and Proof):

**H. 957.** Relating to the City of Andalusia in Covington County; authorizing the governing body to levy additional ad valorem taxes for the school system and for city operations and capital expenditures, either or both; and providing for a referendum to determine which, if either, tax shall be levied.

By Rep. Clark (J) (With Notice and Proof):

**H. 969.** Relating to Barbour County; repealing Act No. 81-631,

H. 946, 1981 Regular Session and Act No. 81-844, H. 947, 1981 Regular Session, which provide for assessments on forest lands for fire protection.

By Rep. Gullatt (With Notice and Proof):

**H. 936.** Relating to Russell County; authorizing the county commission to increase the compensation for the members of the board of registrars.

By Rep. Laird (With Notice and Proof):

**H. 970.** Relating to Clay County; providing for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

By Rep. Hammett (With Notice and Proof):

**H. 973.** Relating to Covington County; providing for the publication of an annual financial statement.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Figures (With Notice and Proof):

**S. 674.** Relating to Mobile County; to provide an annual supplemental salary of \$7,500.00 to the revenue commissioner, effective October 1, 1991, which shall be provided in lieu of any local salary, expense allowance, per diem, or other compensation previously provided by local law to said official; and prorating such supplemental salary from various funds.

By Senator Figures (With Notice and Proof):

**S. 676.** Relating to Mobile County; to provide an annual supplemental salary of \$7,500.00 to the license commissioner, effective upon the expiration of the current term of office, which shall be provided in lieu of any local salary, expense allowance, per diem, or other compensation previously provided by local law to said official; and prorating such supplemental salary from various funds.



By Senator Bedsole (With Notice and Proof):

**S. 682.** Relating to the compensation of the constables in Mobile County, Alabama, and service fees.

By Senator Bedsole (With Notice and Proof):

**S. 683.** Relating to the office of constable in Mobile County; providing for the duties of such office; prohibiting certain officers from bearing any firearms or weapons in the performance of the duties as constable.

By Senator Bedsole (With Notice and Proof):

**S. 684.** Relating to Class 2 municipalities; to exempt such municipalities from the payment of any and all oil, gasoline and diesel fuel taxes of any nature whatsoever.

### REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 105

SJR 106

SJR 107

Delivered to the Governor, July 9, 1991, at 1:30 P.M.

McDOWELL LEE,  
Secretary of Senate.

### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

### ADJOURNMENT

At 8:25 P.M., on motion of Senator deGraffenried, in accordance with Motion heretofore adopted, the Senate adjourned until Thursday, July 11, 1991, at 10 o'clock A.M.

## **TWENTY-SIXTH LEGISLATIVE DAY**

**THURSDAY, JULY 11, 1991**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Larry Armstrong, Assistant Minister, Eastern Hills Baptist Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Anitra Belle, Leflore High School, Mobile, Alabama.

### **ROLL CALL**

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**JIM PREUITT,**  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Preuitt, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator Windom, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

**SJR 70. NAMING THE BRIDGE ON HIGHWAY 411, AT LEESBURG, IN CHEROKEE COUNTY, ALABAMA, IN HONOR OF THE LATE FRED E. REYNOLDS OF LEESBURG, ALABAMA.**

Also:

**SJR 117. DESIGNATING "INDEPENDENT COMMUNITY BANKING WEEK" IN ALABAMA, THE WEEK OF SEPTEMBER 15-21, 1991.**

Also:

**SJR 119. PROVIDING FOR THE ESTABLISHMENT OF THE ALABAMA COMMISSION ON AEROSPACE SCIENCE AND INDUSTRY.**

Also:

**SJR 120. RECOGNIZING THE BIRMINGHAM ASSOCIATION OF REALTORS.**

Also:

**SJR 122. COMMENDING HIS ROYAL HIGHNESS KHALED BIN SULTAN BIN ABDULAZIZ OF SAUDI ARABIA.**

Also:

**SJR 123. HONORING W. EARLE RILEY, M.D. OF BIRMINGHAM, ALABAMA FOR DISTINGUISHED SERVICE TO THE PUBLIC HEALTH AND WELFARE AND TO THE MEDICAL PROFESSION OF THIS STATE.**

Also:

**SJR 124. COMMENDING COMMUNITY INTENSIVE TREATMENT FOR YOUTH (C.I.T.Y.) ON ITS ACHIEVEMENT AT THE NATIONAL LEVEL.**

Also:

**SJR 125. COMMENDING MR. GARY FORTENBERRY OF CHOCTAW COUNTY, ALABAMA, ON HIS SELECTION AS SOUTHERN REGION TREE FARMER OF THE YEAR.**

Also:

**SJR 126. MOURNING THE DEATH OF MATTHEW HALL, JR., OF THEODORE, ALABAMA.**

Also:

**SJR 129. NAMING THE "MARTIN LUTHER KING, JR., HIGHWAY."**

Also:

**SJR 130. NAMING THE MARTIN LUTHER KING, JR., HIGHWAY IN BESSEMER, ALABAMA.**

**JIM PREUITT,**  
Chairperson.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

**BILL RE-REFERRED**

Senator Ghee, Chairperson of the Standing Committee on Constitution and Elections, requested and received unanimous consent that the Bill, SB 713, be returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, SB 713, re-referred to the Standing Committee on Local Legislation No. 3.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 221. COMMENDING SHIRLEY M. PAUL FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF ALABAMA IN HUNTSVILLE AND TO THE HUNTSVILLE COMMUNITY.**

GREG PAPPAS,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**SR 135. SPECIAL ORDER CALENDAR.**

**RESOLVED BY THE SENATE** That the following bill shall be the paramount and continuing order of business taking precedence over all other matters until disposed of:

Inst Id	Page
<b>H. 72</b>	233
Seat belts, cert. passengers in motor vehicles req. to wear, exemptions, penalty	

Senator Amari offered the following substitute for the Resolution, SR 135, to-wit:

### **SUBSTITUTE FOR SR 135**

#### **SR 135. SPECIAL ORDER CALENDAR.**

RESOLVED BY THE SENATE That the following bill shall be the paramount and continuing order of business taking precedence over all other matters until disposed of:

Inst Id	Page
<b>H. 337</b>	184
Human Life Protection Act	

On motion of Senator Hilliard, said substitute was laid on the table.

On motion of Senator Hilliard, the Resolution was then adopted by the Senate.

### **REPORT FROM RULES**

On motion of Senator Little the Rules were suspended in order to consider the following Report from Rules, to-wit:

Senator Preuit, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

#### **HJR 307. COMMENDING THE OPELIKA HIGH SCHOOL BOYS TENNIS TEAM FOR OUTSTANDING ACHIEVEMENT.**

And on motion of Senator Little, said Resolution, HJR 307, was concurred in and adopted by the Senate.

**MOTION TO ADJOURN**

Senator Horn moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, July 16, 1991, at 1 o'clock P.M., which motion was adopted.

**SPECIAL ORDER**

**BILLS ON THIRD READING**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill, HB 72.

**BUDGET ISOLATION RESOLUTION**

Senator Dial, B.I.R., HB 72, adopted.

Yeas 24 Nays 3

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Hale, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Preuitt, Sanders, Waggoner, and Windom  
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Nays:

Senators:

Corbett, Lindsey, and Smith (J)

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**BILLS ON THIRD READING**

**THE BILL:**

**H. 72.** To provide for the "Alabama Safety Belt Use Act of 1991"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

was taken up.

Senator Corbett offered the following substitute for the Bill, HB 72, to-wit:

## SUBSTITUTE FOR HB 72

A B I L L  
T O B E E N T I T L E D  
A N A C T

To provide for the "Alabama Safety Belt Use Act of 1991"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

## BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the "Alabama Safety Belt Use Act of 1991."

Section 2. For purposes of this act, the term "passenger car" means a motor vehicle with motive power designed for carrying ten or fewer passengers. Such term does not include a motorcycle or a trailer.

Section 3. The legislature finds that it is the policy of the State of Alabama that all precautionary measures be taken to save the lives of the state's citizens from vehicle accidents and thereby, to preserve the most valuable resource of the state.

Section 4. (a) Each front seat occupant of a passenger car manufactured with safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208 shall have a safety belt properly fastened about his body at all times when the vehicle is in motion.

(b) The provisions of subsection (a) of this section shall not apply to:

(1) A child passenger under the purview of Section 32-5-222 of the Code of Alabama 1975, who is required to use a child passenger restraint system or a seat belt pursuant to Section 3-5-222.

(2) An occupant of a passenger car who possesses a written statement from a licensed physician that he is unable for medical reasons to wear a safety belt.

(3) A rural letter carrier of the United States Postal Service while performing his duties as a rural letter carrier.



(4) A driver or passenger delivering newspapers or mail from house to house.

(5) Passengers in a passenger car with a model year prior to 1965.

(6) Passengers in motor vehicles which normally operate in reverse.

Section 5. Any person violating the provisions of this act may not be fined any amount. The violation of the provisions of this act shall not constitute probable cause for search of the vehicle involved.

Section 6. Notwithstanding any provision of law to the contrary, no citation or warrant for arrest shall be issued for a violation of this act unless a person is stopped by a law enforcement officer for a separate violation of law and is issued a citation or warrant for arrest for the separate violation of law.

Section 7. Failure to wear a safety belt in violation of this act shall not be considered evidence of contributory negligence and shall not limit the liability of an insurer, nor shall the conviction be entered on the driving record of any individual charged under the provisions of this act.

Section 8. The period from the effective date of this act until twelve months thereafter shall be a warning period in which persons who violate the provisions of this act shall be issued a verbal warning or warning citation by the proper law enforcement officer, but no monetary fine shall be assessed against the offender. At the conclusion of the said warning period, all provisions of this act shall be in full force and effect.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Bedsole, said substitute was laid on the table.

Yeas 26 Nays 4

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Langford, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Waggoner, and Windom

-26

Nays:

Senators:

Amari, Corbett, Lindsey, and Smith (J)

- 4

Senator Corbett then offered the following substitute No. 2, for the Bill, HB 72, to-wit:

**SUBSTITUTE NO. 2 FOR HB 72****A B I L L  
T O B E E N T I T L E D  
A N A C T**

To provide for the "Alabama Safety Belt Use Act of 1991"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. This act shall be known and may be cited as the "Alabama Safety Belt Use Act of 1991."

Section 2. For purposes of this act, the term "passenger car" means a motor vehicle with motive power designed for carrying ten or fewer passengers. Such term does not include a motorcycle or a trailer.

Section 3. The legislature finds that it is the policy of the State of Alabama that all precautionary measures be taken to save the lives of the state's citizens from vehicle accidents and thereby, to preserve the most valuable resource of the state.

Section 4. (a) Each front seat occupant of a passenger car manufactured with safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208 shall have a safety belt properly fastened about his body at all times when the vehicle is in motion.

(b) The provisions of subsection (a) of this section shall not apply to:

(1) A child passenger under the purview of Section 32-5-222 of the Code of Alabama 1975, who is required to use a child passenger restraint system or a seat belt pursuant to Section 3-5-222.

(2) An occupant of a passenger car who possesses a written statement from a licensed physician that he is unable for medical reasons to wear a safety belt.

(3) A rural letter carrier of the United States Postal Service while performing his duties as a rural letter carrier.

(4) A driver or passenger delivering newspapers or mail from house to house.

(5) Passengers in a passenger car with a model year prior to 1965.

(6) Passengers in motor vehicles which normally operate in reverse.

Section 5. Any person violating the provisions of this act may not be fined \$5.00. The violation of the provisions of this act shall not constitute probable cause for search of the vehicle involved.

Section 6. Notwithstanding any provision of law to the contrary, no citation or warrant for arrest shall be issued for a violation of this act unless a person is stopped by a law enforcement officer for a separate violation of law and is issued a citation or warrant for arrest for the separate violation of law.

Section 7. Failure to wear a safety belt in violation of this act shall not be considered evidence of contributory negligence and shall not limit the liability of an insurer, nor shall the conviction be entered on the driving record of any individual charged under the provisions of this act.

Section 8. The period from the effective date of this act until twenty-four months thereafter shall be a warning period in which persons who violate the provisions of this act shall be issued a verbal warning or warning citation by the proper law enforcement officer, but no monetary fine shall be assessed against the offender. At the conclusion of the said warning period, all provisions of this act shall be in full

force and effect.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Dial, said substitute was laid on the table.

Yeas 18 Nays 5

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Ellis, Floyd, Hilliard, Horn, Langford, Mitchell, Owens, Preuitt, Waggoner, and Windom -18

Nays:

Senators:

Amari, Corbett, Dixon, Hale, and Sanders - 5

Senator Corbett then offered the following substitute No. 3, for the Bill, HB 72, to-wit:

### **SUBSTITUTE NO. 3 FOR HB 72**

#### **A B I L L T O B E E N T I T L E D A N A C T**

To provide for the "Alabama Safety Belt Use Act of 1991"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. This act shall be known and may be cited as the

"Alabama Safety Belt Use Act of 1991."

Section 2. For purposes of this act, the term "passenger car" means a motor vehicle with motive power designed for carrying ten or fewer passengers, which is equipped with shoulder harness seat belts. Such term does not include a motorcycle or a trailer.

Section 3. The legislature finds that it is the policy of the State of Alabama that all precautionary measures be taken to save the lives of the state's citizens from vehicle accidents and thereby, to preserve the most valuable resource of the state.

Section 4. (a) Each front seat occupant of a passenger car manufactured with safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208 shall have a safety belt properly fastened about his body at all times when the vehicle is in motion.

(b) The provisions of subsection (a) of this section shall not apply to:

(1) A child passenger under the purview of Section 32-5-222 of the Code of Alabama 1975, who is required to use a child passenger restraint system or a seat belt pursuant to Section 3-5-222.

(2) An occupant of a passenger car who possesses a written statement from a licensed physician that he is unable for medical reasons to wear a safety belt.

(3) A rural letter carrier of the United States Postal Service while performing his duties as a rural letter carrier.

(4) A driver or passenger delivering newspapers or mail from house to house.

(5) Passengers in a passenger car with a model year prior to 1965.

(6) Passengers in motor vehicles which normally operate in reverse.

Section 5. Any person violating the provisions of this act may be fined up to \$25.00. The violation of the provisions of this act shall not constitute probable cause for search of the vehicle involved.

Section 6. Notwithstanding any provision of law to the contrary,

no citation or warrant for arrest shall be issued for a violation of this act unless a person is stopped by a law enforcement officer for a separate violation of law and is issued a citation or warrant for arrest for the separate violation of law.

Section 7. Failure to wear a safety belt in violation of this act shall not be considered evidence of contributory negligence and shall not limit the liability of an insurer, nor shall the conviction be entered on the driving record of any individual charged under the provisions of this act.

Section 8. The period from the effective date of this act until twelve months thereafter shall be a warning period in which persons who violate the provisions of this act shall be issued a verbal warning or warning citation by the proper law enforcement officer, but no monetary fine shall be assessed against the offender. At the conclusion of the said warning period, all provisions of this act shall be in full force and effect.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Dial, said substitute was laid on the table.

Yeas 20   Nays 4

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried,  
Dial, Dixon, Figures, Floyd, Hale, Hilliard, Langford, Lipscomb,  
Little, Mitchell, Owens, Preuitt, and Waggoner -20

Nays:

Senators:

Amari, Corbett, Sanders, and Smith (J)

- 4

Senator Corbett then offered the following substitute No. 4, for the Bill, HB 72, to-wit:

SUBSTITUTE NO. 4 FOR HB 72

A B I L L  
T O B E E N T I T L E D  
A N A C T

To provide for the "Alabama Safety Belt Use Act of 1991"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the "Alabama Safety Belt Use Act of 1991."

Section 2. For purposes of this act, the term "passenger car" means a motor vehicle with motive power designed for carrying ten or fewer passengers. Such term does not include a motorcycle or a trailer.

Section 3. The legislature finds that it is the policy of the State of Alabama that all precautionary measures be taken to save the lives of the state's citizens from vehicle accidents and thereby, to preserve the most valuable resource of the state.

Section 4. (a) Each front seat occupant of a passenger car manufactured with safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208 shall have a safety belt properly fastened about his body at all times when the vehicle is in motion.

(b) The provisions of subsection (a) of this section shall not apply to:

(1) A child passenger under the purview of Section 32-5-222 of the Code of Alabama 1975, who is required to use a child passenger restraint system or a seat belt pursuant to Section 3-5-222.

(2) An occupant of a passenger car who possesses a written statement from a licensed physician that he is unable for medical reasons to wear a safety belt.

(3) A rural letter carrier of the United States Postal Service while performing his duties as a rural letter carrier.

(4) A driver or passenger delivering newspapers or mail from house to house.

(5) Passengers in a passenger car with a model year prior to 1965.

(6) Passengers in motor vehicles which normally operate in reverse.

Section 5. Any person violating the provisions of this act may be fined up to \$5.00. The violation of the provisions of this act shall not constitute probable cause for search of the vehicle involved.

Section 6. Notwithstanding any provision of law to the contrary, no citation or warrant for arrest shall be issued for a violation of this act unless a person is stopped by a law enforcement officer for a separate violation of law and is issued a citation or warrant for arrest for the separate violation of law.

Section 7. Failure to wear a safety belt in violation of this act shall not be considered evidence of contributory negligence and shall not limit the liability of an insurer, nor shall the conviction be entered on the driving record of any individual charged under the provisions of this act.

Section 8. The period from the effective date of this act until twelve months thereafter shall be a warning period in which persons who violate the provisions of this act shall be issued a verbal warning or warning citation by the proper law enforcement officer, but no monetary fine shall be assessed against the offender. At the conclusion of the said warning period, all provisions of this act shall be in full force and effect.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Dial, said substitute was laid on the table.



Yeas 15 Nays 12

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Denton, Dial,  
Ellis, Foshee, Hilliard, Lipscomb, Owens, Preuitt, and Waggoner -15

Nays:

Senators:

Amari, Corbett, deGraffenried, Dixon, Figures, Floyd, Hale, Langford,  
Little, Mitchell, Sanders, and Smith (J) -12

Senator Corbett then offered the following substitute No. 5, for the  
Bill, HB 72, to-wit:

**SUBSTITUTE NO. 5 FOR HB 72**

**A B I L L  
T O B E E N T I T L E D  
A N A C T**

To provide for the "Alabama Safety Belt Use Act of 1991"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. This act shall be known and may be cited as the "Alabama Safety Belt Use Act of 1991."

Section 2. For purposes of this act, the term "passenger car" means a motor vehicle with motive power designed for carrying ten or fewer passengers. Such term does not include a motorcycle or a trailer.

Section 3. The legislature finds that it is the policy of the State of Alabama that all precautionary measures be taken to save the lives of the state's citizens from vehicle accidents and thereby, to preserve the most valuable resource of the state.

Section 4. (a) Each front seat occupant of a passenger car manufactured with safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208 shall have a safety belt properly fastened about his body at all times when the vehicle is in motion.

(b) The provisions of subsection (a) of this section shall not apply to:

(1) A child passenger under the purview of Section 32-5-222 of the Code of Alabama 1975, who is required to use a child passenger restraint system or a seat belt pursuant to Section 3-5-222.

(2) An occupant of a passenger car who possesses a written statement from a licensed physician that he is unable for medical reasons to wear a safety belt.

(3) A rural letter carrier of the United States Postal Service while performing his duties as a rural letter carrier.

(4) A driver or passenger delivering newspapers or mail from house to house.

(5) Passengers in a passenger car with a model year prior to 1965.

(6) Passengers in motor vehicles which normally operate in reverse.

Section 5. Any person violating the provisions of this act may be fined up to \$10.00. The violation of the provisions of this act shall not constitute probable cause for search of the vehicle involved.

Section 6. Notwithstanding any provision of law to the contrary, no citation or warrant for arrest shall be issued for a violation of this act unless a person is stopped by a law enforcement officer for a separate violation of law and is issued a citation or warrant for arrest for the separate violation of law.

Section 7. Failure to wear a safety belt in violation of this act shall not be considered evidence of contributory negligence and shall not limit the liability of an insurer, nor shall the conviction be entered on the driving record of any individual charged under the provisions of this act.

Section 8. The period from the effective date of this act until twelve months thereafter shall be a warning period in which persons who violate the provisions of this act shall be issued a verbal warning or warning citation by the proper law enforcement officer, but no monetary fine shall be assessed against the offender. At the conclusion of the said warning period, all provisions of this act shall be in full force and effect.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Dial, said substitute was laid on the table.

Yeas 20 Nays 7

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Lipscomb, Owens, Preuit, Sanders, and Waggoner -20

Nays:

Senators:

Amari, Bennett, Corbett, deGraffenried, Figures, Langford, and Little- 7

And said Bill, HB 72, was read a third time at length and passed.

Yeas 27 Nays 6

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Preuit, Sanders, Waggoner, Wilson, and Windom -27

Nays:

Senators:

Amari, Corbett, Mitchem, Parsons, Smith (B), and Smith (J) - 6

## RESOLUTIONS

Senator Langford requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 136. COMMENDING JIMMIE LEE DAVIS OF MONTGOMERY, ALABAMA, FOR HIS DEDICATED COMMITMENT TO GOD, FAMILY AND COMMUNITY.**

WHEREAS, Jimmie Lee Davis of Montgomery, Alabama, is an exemplary citizen who has dedicated his life in service to God, family and community; and

WHEREAS, Mr. Davis is a faithful and devoted member of Rice Temple A.O.H. Church of God where he is a member of the Board of Deacons and where he was honored in November 1987 for outstanding and dedicated service, recognized in November 1988 for service as President of the Board of Trustees, and was acknowledged by the Rice Temple Christian Academy for his loyalty, love and dedication; and

WHEREAS, in the knowledge that a stable, healthy and loving family is the will of God, Mr. Davis has worked diligently to provide for his six children and his wife of 29 years, often working two or more jobs to ensure their well-being; and

WHEREAS, Mr. Davis, a man of many talents and abilities, is skilled in plumbing, welding, painting, glazing and carpentry; is a former head custodian at Seth Johnson Elementary School, was self-employed as a utility mechanic, worked for Barber's Milk Company until retirement in 1988, and now serves as head of maintenance at Rice Temple A.O.H. Church of God; and

WHEREAS, in service to his community, Mr. Davis is a frequent blood donor to the Gift of Life Association and this generous and selfless act has served as encouragement to his many friends and neighbors to also contribute the "gift of life"; and

WHEREAS, Jimmie Lee Davis, who has received numerous awards from the American Red Cross, is indeed one of his community's finest citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exemplary service to God, family and community, we hereby most highly commend Mr. Jimmie Lee Davis of Montgomery, Alabama, for whom a copy of this resolution of sincere esteem shall be provided.

On motion of Senator Langford, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Amari requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 137. COMMENDING COACH WILLIAM R. LANKFORD OF JEFFERSON STATE COMMUNITY COLLEGE AND NAMING THE GYMNASIUM IN THE LEROY BROWN BUILDING "THE WILLIAM R. LANKFORD GYMNASIUM."**

WHEREAS, William R. (Bill) Lankford has made a significant impact on Jefferson State Community College during his twenty-four years as Athletic Director; and

WHEREAS, Bill Lankford's 453 career wins as Jefferson State Community College's head basketball coach for the past twenty-five years placed him twentieth among active NJCAA basketball coaches; and

WHEREAS, he has been named AJCC "Coach of the Year" four times and NJCAA Regional "Coach of the Year" three times while no less than thirteen of his Jefferson State teams have qualified for the state tournament with three winning this tournament; and

WHEREAS, Bill Lankford has directed a strong overall athletic program at Jefferson State and has served with distinction on numerous national athletic committees while representing his college in a most esteemed manner; and

WHEREAS, in recognition of Coach Lankford's many successes and contributions to Jefferson State Community College, it is altogether fitting and proper that a structure on the Jefferson State campus be named in honor of this fine gentleman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby most highly commend Coach William R. (Bill) Lankford for outstanding athletic administration accomplishments and to honor him we hereby direct that the gymnasium in the LeRoy Brown building be named "The William R. Lankford Gymnasium" as an enduring reminder to future generations of the dedicated service Coach Lankford rendered to Jefferson State.

RESOLVED FURTHER, That copies of this resolution be sent forthwith to the President of Jefferson State Community College and to Coach Lankford's wife Adrienne.

On motion of Senator Amari, the Rules were suspended and the Resolution was adopted by the Senate.

**REPORT FROM CONFIRMATIONS**

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. William M. Coussons to the University of North Alabama Board of Trustees

On motion of Senator Denton, the appointment of Mr. Coussons was confirmed by the Senate.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Windom -26

Nays:

- 0

**REPORT FROM RULES**

Senator Preuitt, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**HJR 120. COMMENDING BEA VOLKMAN OF MOBILE FOR OUTSTANDING CONTRIBUTIONS TO PUBLIC EDUCATION AND TO THE COMMUNITY.**

And on motion of Senator Bedsole, said Resolution, HJR 120, was concurred in and adopted by the Senate.

**RESOLUTIONS**

Senators Dixon, Bedsole, Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom requested and

received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 138. COMMENDING PHILIP A. SELLERS OF MONTGOMERY, ALABAMA.**

WHEREAS, Philip A. Sellers was appointed by Governor Fob James in 1982 to serve on the Alabama Commission on Higher Education; and

WHEREAS, as Chairman of the Student Assistance Committee, he was instrumental in establishing the Alabama Higher Education Loan Corporation, in developing loan serving activities for lenders and in setting policies on risk avoidance and default management; and

WHEREAS, during his tenure as Chairman of the Commission on Higher Education, he led efforts to revise the funding formula and initiate a policy on preparation for college-level study among Alabama's high school students; and

WHEREAS, he chaired a nationwide search for a new executive director for the Commission; and

WHEREAS, he has been an active participant in his community, the City of Montgomery, which named him Citizen of the Year in 1988; and

WHEREAS, he has served his state and community with dedication, earnestness and dignity; and

WHEREAS, his generosity and kindness are an inspiration to all who know him; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby commend Philip A. Sellers for distinguished service to the State of Alabama, the Alabama Commission on Higher Education and the Montgomery Community.

**BE IT FURTHER RESOLVED,** That Mr. Sellers be provided with a copy of this resolution, executed in gratitude for his service and with highest personal regard.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Wilson requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 139. EXPRESSING THE WILL AND INTENT OF THE PEOPLE OF ALABAMA THAT THE PIPELINE PROPOSALS, KNOWN AS DOCKET NOS. CP89-522 AND CP89-523, PENDING BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION, BE APPROVED IN A TIMELY MANNER.**

WHEREAS, the State of Alabama is blessed with an abundance of natural resources including natural gas; and

WHEREAS, there exists in this State an industry infrastructure of production, transmission, and distribution companies along with consumers utilizing natural gas for the benefit of the State and the nation; and

WHEREAS, natural gas is an important energy source to attract new and expanded industrial development opportunities into Alabama; and

WHEREAS, natural gas reserves located in Mobile Bay are estimated to hold between four and eight trillion cubic feet of natural gas; and

WHEREAS, several companies are presently exploring for and producing natural gas in state and federal water and require pipelines for transportation of this natural gas to state and national energy markets; and

WHEREAS, Southern Natural Gas Company, Florida Gas Transmission Company, ANR Pipeline Company/Coastal, Tennessee Gas Pipeline Company, Panhandle/Texas Eastern Pipeline Company and Transcontinental Gas Pipeline Company have joined in two applications before the Federal Energy Regulatory Commission (the Commission) to build and operate an offshore and onshore natural gas pipeline system to provide such a market outlet for this environmentally safe, abundant resource; and

WHEREAS, the applications are in final form and are currently pending approval before the Commission; and

WHEREAS, natural gas is an environmentally safe, clean burning energy source; and



WHEREAS, this domestically produced energy source can reduce the nation's dependance on imported fuels; and

WHEREAS, it is in the best interest of the State of Alabama that natural gas begin transmission through pipelines from these new production wells in an expeditious manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is the will and intention of the people of Alabama that the pipeline proposals known as Docket Nos. CP89-522 and CP89-523 be approved by the Commission in a timely manner.

BE IT FURTHER RESOLVED, That the Clerk of the House expeditiously transmit a copy of this resolution to the Chairman, Commissioner's and the Secretary of the Commission for filing in the above-referenced dockets.

RESOLVED FURTHER, That a copy of this resolution be sent to each member of the Alabama Congressional Delegation in Washington, D. C.

Which was read and referred to the Standing Committee on Rules.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**SR 140. SPECIAL ORDER CALENDAR.**

RESOLVED BY THE SENATE That the following in the order named shall be the paramount and continuing order of business taking precedence over all other matters for the twenty-sixth legislative day of the 1991 Regular Session only:

1. House Messages
2. Committee Reports to exclude Committee on Confirmations
3. Uncontested Local Bills

On motion of Senator Preuitt, the Resolution was adopted by the Senate.

Senator Denton requested and received permission to suspend the Rules to offer the following Senate Joint Resolution:

**SJR 141. COMMENDING HENRY RAND FOR LONGTIME AND DISTINGUISHED SERVICE AS TAX COLLECTOR FOR COLBERT COUNTY.**

WHEREAS, Henry "Hank" Rand has served with distinction, and continuously since 1969, as tax collector of Colbert County, Alabama; and

WHEREAS, during his tenure, Mr. Rand designed and instituted a data processing system for Colbert County in 1978 and, to the financial benefit of the general fund of Colbert County, this system has since been licensed for use in 14 other counties in three states; and

WHEREAS, he also has been actively involved for over 21 years in the affairs of the Alabama Tax Assessor's and Collector's Association which he served as vice president, president-elect and as president; and

WHEREAS, other of Mr. Rand's accomplishments include the preparation of various publications, such as a study of property reappraisal in Alabama; handbooks of instruction for tax assessors, collectors and license and revenue commissioners; a notable video production on Alabama property tax that is used by both individuals and institutions for a clear and detailed explanation of the process; and the establishment of a program whereby additional revenue is raised for the county general fund through the investment of tax income upon collection and prior to transmitting same to the State Revenue Department; and

WHEREAS, Mr. Rand is recognized as a leading authority on the collection and distribution of ad valorem taxes; he has often been called upon to instruct newly elected tax collectors and has otherwise assisted officials in Alabama and other states to the benefit of their citizens and taxpayers; and

WHEREAS, Mr. Hank Rand, who is retiring July 31, 1991, has indeed dedicated his considerable talent and ability to the good and well-being of Colbert County and the State of Alabama, and his loyal tenure of more than 21 years is one of outstanding accomplishment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service as tax collector of Colbert County since 1969, we hereby most highly commend Henry "Hank" Rand, whom we wish every future success and happiness in retirement and for whom a copy of

this resolution shall be provided.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Bailey requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 142. COMMENDING JAMES HUGHES OF COTTONWOOD, ALABAMA.**

WHEREAS, through the vision of State Forester C. W. Moody, a program to be known as TREASURE Forest was instituted in the State of Alabama in 1976, to locate and publicly honor citizens who manage their forestland for all the resources for which the land is suited; and

WHEREAS, the family of a retired bank executive named James Hughes of Houston County received a ten-year forest management plan for the land he and his wife, Sylvia, inherited from her father in the Cottonwood community in 1981; and

WHEREAS, on September 16, 1983, this forest property managed by James Hughes was formally certified as a TREASURE Forest, a justifiable recognition for his innovative forest practices in Alabama's Wiregrass region; and

WHEREAS, the James Hughes family has received many accolades for their stewardship of the land including the Governor's Conservation Achievement Award, the prestigious Helene Mosely Memorial Award, and was named Alabama Tree Farmer of the Year in 1988; and

WHEREAS, James Hughes has been further recognized by being elected charter president of the statewide TREASURE Forest Landowners Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend James Hughes for his vigorous approach to good forest land management and his inspiration for all landowners to manage their land in such manner that it meets the needs of all citizens of this great State.

BE IT FURTHER RESOLVED, That Mr. Hughes receive a copy

of this resolution, executed in praise of his accomplishments and with highest personal regard.

On motion of Senator Bailey, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Horn requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 143. AUTHORIZING THE JOINT FISCAL COMMITTEE TO EMPLOY LEGAL COUNSEL TO DEFEND AGAINST, INTERVENE IN OR INITIATE LEGAL PROCEEDINGS CONCERNING THE LEGISLATIVE BUDGET PROCESS.**

WHEREAS, the Alabama Legislature is charged by the Alabama Constitution with the duty of appropriating funds; and

WHEREAS, legal challenges have been filed in recent years against appropriation acts passed by the Legislature and budgeting processes; and

WHEREAS, the Legislature and legislative budget committees have been unrepresented, for the most part, in such proceedings; and

WHEREAS, the budgeting process has been severely hampered by certain court decisions rendered without the benefit of legal briefs to represent the legislative branch; and

WHEREAS, it is imperative that the integrity and plenary power of the Legislature to appropriate funds be aggressively protected against such challenges; now, therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Joint Fiscal Committee, created in Section 29-5-2 of the Code of Alabama, 1975, is hereby authorized to request the Attorney General of the State of Alabama to provide legal assistance or to employ outside legal assistance to defend against, intervene in or initiate legal proceedings on behalf of said Committee in the course of its legislative duty in legal matters that would affect legislative appropriations or the legislative budgeting process or related fiscal matters.

**BE IT FURTHER RESOLVED,** That expenses incurred by the Joint Fiscal Committee pursuant to this resolution shall be payable from

any funds appropriated to the Legislature.

On motion of Senator Horn, the Rules were suspended and the Resolution was adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Hooper, Goodwin, Williams, White, Turnham, McClain, Turner, Biddle, Knight, Sanderford, Hill, Clark (J), Millican, Haynes, Johnson, Flowers, Gaston, Kvalheim, Harper, Beasley, Burke, Carothers, Ford, Poole, Black (L), Thomas, Layson, Cosby, Mathis, Cullins, McDowell, McKee, Blakeney, Fuller, Willis, Bowling, Black (M), Crow, Smith (R), Spratt, Rogers (J), Warren, Hogan, Cagle, Morrow, Drake, Gullatt, and Hawkins:

**H. 509.** To amend Section 12-17-81, Code of Alabama 1975, relating to salaries of the circuit clerks of this state; and to provide an effective date of October 1, 1992 for the provisions of this act.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 509 - to the Committee on Governmental Affairs/Local Government

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holladay:

**H. 593.** To amend sections 30-3-61 and 30-3-62, Code of Alabama 1975, relating to child support withholding orders, so as to require the employer to remit to the clerk of the court, the department, or its designee the child support withheld within 10 days of the date the obligor is paid; to provide that payments withheld shall be paid over by the employer in accordance with section 30-3-61(b), Code of Alabama 1975; to specify the requirements for termination of withholding orders; and to require prompt termination of withholding when criteria are met; to amend section 30-3-94, Code of Alabama 1975, relating to the Interstate Income Withholding Act, so as to provide for immediate wage withholding on interstate child support cases.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 593 - to the Committee on Judiciary/Civil

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Freeman:

**H. 112.** To amend Section 32-5A-4, Code of Alabama 1975, which prohibits the failure to comply with lawful orders of policemen or firemen so as to include lawful orders of school crossing guards; and to provide for conditions of school guard having authority to direct traffic.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing

Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 112 - to the Committee on Commerce, Transportation, and Utilities

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Morrow, Newman, Millican, Anderson, Sanderson, and Hill:

**H. 502.** To facilitate vehicular traffic and safety in the state by providing for the establishment and incorporation of "West Alabama Toll Road Authority" and providing for it to finance, purchase, construct and operate a certain four-lane toll road down the western side of the state; providing that construction of the toll road shall be done on the basis of force account and that the construction work shall be done by convict labor; defining further its powers and duties; authorizing the issuance of revenue bonds payable from tolls and other revenues to pay the cost of such toll road project; providing that no debt of the state shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls and other revenues for the payment of such bonds and for the cost of maintenance, operation and repair of such toll road project; making such bonds exempt from taxation and constituting them legal investments in certain instances; prescribing conditions upon which such toll road project shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the state to cooperate with the authority; authorizing the issuance of revenue refunding bonds; making an appropriation to pay initial expenses and providing for the repayment thereof; and prescribing penalties.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 502 - to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Buskey (JL):

**H. 20.** To amend Section 41-4-113 of the Code of Alabama 1975, relating to the department of finance's procedures for obtaining supplies or materials for state departments, so as to provide further for such procedures.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 20 - to the Committee on Governmental Affairs/State Administration

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Rogers (J):

**H. 194.** To amend Section 14-9-41 of the Code of Alabama 1975, which relates to computation of incentive time deductions, so as to allow an inmate who has been sentenced to a term of 15 years or less in the state penitentiary to earn correctional incentive time in accordance with the other provisions of this section.

GREG PAPPAS,  
Clerk.



HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 194 - to the Committee on Judiciary/Criminal Justice and Public Safety

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Sanders (With Notice and Proof):

**S. 732.** Relating to Dallas County; providing for fire protection in certain areas of the county; levying a special fire protection property tax; providing for certain exemption from such tax and for collection of such tax; providing for disposition of funds from such tax to the county fire association and to the volunteer fire departments; providing for expenditure and accounting of such funds; providing for treatment of funds upon dissolution or abandonment of a volunteer fire department; granting immunity from certain liability to the county and providing for a referendum election on the provisions of this act.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 732, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Wilson (With Notice and Proof):

**S. 733.** Relating to Walker County; to require the installation and maintenance of an improved system of indexing, recording and re-creation of certain documents recorded in the Office of the Judge of Probate; to provide the collection and disposition of a special indexing and recording fee; to provide for the collection of additional probate court cost fees; and to provide that said system shall constitute official

and permanent records in Walker County.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 733, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Wilson (With Notice and Proof):

**S. 734.** To alter, rearrange and extend the boundary lines and corporate limits of the City of Pickensville in Pickens County.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 734, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Hale (With Notice and Proof):

**S. 735.** Relating to Cullman County; to prohibit the hunting of deer with dogs.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 735, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Wilson (With Notice and Proof):

**S. 736.** Relating to Pickens County; to provide for the total rehabilitation of certain persons convicted of certain crimes and sentenced to a term of confinement in the Pickens County jail, and

providing for a rehabilitation board to supervise and administer the rehabilitation processes of this act.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 736, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Wilson (With Notice and Proof):

**S. 737.** Relating to Pickens County and to sentencing and restitution court orders and providing further therefor; providing that in any conviction related to alcohol or drug abuse or trafficking and in which the court orders restitution, the judge may order and allocate a reasonable sum of such restitution to any county sheriff's office for additional funding of such office through the sheriff's pistol permit fee fund; prescribing that the provisions of this act shall be construed in pari materia with all laws relating to sentencing and restitution and pursuant to general law authorizing such local legislation enacted during the current term of the regular session; and prescribing an effective date.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 737, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Amari (With Notice and Proof):

**S. 738.** Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief and retirement system for municipal officers and employees pursuant to Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended, so as to provide that all recipients of extraordinary disability benefits whose longevity payment received during the year prior to their disability was not included in the amount of monthly salary used in the calculation of the extraordinary disability benefit shall receive an increase in the monthly benefit of

seventy percent (70%) of one-twelfth of the total longevity payment received during the year immediately preceding the recipient's disability application.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 738, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator deGraffenried:

**S. 739.** To authorize the Governor, the Lieutenant Governor, Speaker of the House of Representatives, the Highway Director and the Finance Director of the State of Alabama to become a public corporation to be known as the Alabama Economic and Developmental Highway Authority; to provide the procedure for incorporation; to designate the members, directors and officers of the Authority; to provide for meetings of the Authority; to prescribe the powers of the Authority; including the power to provide for the acquisition and construction, replacement, repair and rehabilitation of capital projects for which revenues in the Alabama Economic and Developmental Highway Trust Fund can be spent; and the power to sell and issue, at public or private sale, a principal amount of bonds not to exceed \$700,000,000 for such purposes; to specify the application of the proceeds of the bonds of the Authority; to authorize the Authority to pledge revenues from the Alabama Economic and Developmental Highway Trust Fund and other revenues to pay the principal of, premium, if any, and interest on its bonds; to empower the State Treasurer to disburse funds of the Authority; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to authorize the issuance by the Authority of refunding bonds; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; to provide that all properties and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of funds deposited in the Alabama Economic and Developmental Highway Trust Fund and shall not create an obligation or debt of the State of Alabama; to provide that any bonds issued by the Authority may be used as security for State deposits and investment

of public funds and fiduciary funds; to provide that no earnings of the Authority shall inure to private entities; and to provide for dissolution of the Authority and conveyance of its properties to the State of Alabama upon payment of said bonds.

Committee on Public Welfare

REPORTS OF COMMITTEES

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Carothers, Johnson, and Harper (With Amendment):

**H. 785.** To provide for the reopening of the employees' retirement system for certain active members who had employment with the Alabama Legislature prior to 1979.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Freeman:

**H. 830.** Relating to Class 4, 5, 6, 7 and 8 municipalities (as such classes are defined in Act No. 79-263 of the Legislature of Alabama or any successor provision of law); to provide that any kidney disease treatment center that is located in any such municipality and that contains no more than ten hemodialysis units shall not be subject to or governed by the provisions of Article 9 of Chapter 21 of Title 22 of the Code of Alabama 1975; and to provide that the aforesaid exemption shall not apply to any such treatment center located in a Class 4, 5, 6, 7 or 8 municipality if such municipality is located in a county in which a Class 1, 2 or 3 municipality (as such classes are defined in the aforesaid Act or any successor provision of law) is located.

By Senator Mitchell:

**S. 326.** To amend Section 27-1-18 of the Code of Alabama 1975, relating to insurance contracts providing mental health services, so

as to provide further for persons qualified to perform such services under such contracts.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Preuitt, Smith (B), Smith (J), Owens, Lindsey, and Bedsole  
(With Substitute):

**S. 699.** To amend Section 22-21-265 of the Code of Alabama 1975, relating to certificate of need requirements for new health services and facilities, so as to exempt home health care services from such requirements.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Beasley, Johnson, Mikell, Smith (C), Bowling, and Butler:

**H. 296.** Requiring any insurance company, health maintenance organization, employer or other organization that provides a pharmaceutical program to their employers or members, to obtain written proof that the provider pharmacies are registered with the Alabama state board of pharmacy and prescribing penalties for violation.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Dixon (With Substitute):

**S. 711.** To make an appropriation from the State General Fund to the Alabama's Young Woman of the Year for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

By Senator Dixon (With Substitute):

**S. 716.** To make an appropriation from the State General Fund

to the Coosa-Alabama River Improvement Association for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Hale (With Substitute):

**S. 550.** Relating to victims of serious violent crimes; to require written notice to such victims prior to the temporary or conditional release of certain felony inmates; to define certain terms; to provide that a district attorney, the victim or an appropriate law enforcement agency may object to an inmate's release; and to specifically repeal Section 15-18-114, Code of Alabama 1975.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Ellis:

**S. 576.** Relating to Billiard or Pool Rooms; to amend Section 34-6-12 of the Code of Alabama 1975, so as to remove the prohibition against the sale of intoxicating liquors.

By Senator Owens:

**S. 603.** To provide for the establishing of a worthless check unit in any judicial circuit, where such a unit has not been established by the district attorney, by authorizing the attorney general to establish such a unit therein as a division of his office.

By Rep. Fuller:

**H. 27.** To amend Sections 12-19-171, 12-19-172, 12-19-175, 12-19-178 and 12-19-179, Code of Alabama 1975, so as to increase certain fees in traffic infraction and misdemeanor cases in district and circuit court and to provide for the distribution of the fee increase.

By Reps. Petelos and Gaines:

**H. 35.** To amend Section 13A-12-231, Code of Alabama 1975, which provides for the offense of trafficking in illegal drugs, so as to include amphetamine and methamphetamine within the offense.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Sanders (With Amendment):

**S. 677.** To define the misdemeanor crime of stalking; to prescribe penalties upon conviction and criminal procedure relating to the release on personal recognizance and exceptions; to prescribe the criteria for release at the time of arraignment and the use or possession of firearms; to provide for cumulative effect to any other law relating to crimes and offenses, punishment, harassment, menacing, threat of bodily injury or bodily harm or death.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Owens:

**S. 605.** To repeal Sections 2-15-40, 2-15-41, 2-15-42, 2-15-43, 2-15-45, 2-15-46 and 2-15-47, Code of Alabama 1975, relating to the regulation of dealers in livestock for purposes of resale, market or slaughter.

By Rep. Holley:

**H. 53.** To amend Section 9-11-236, Code of Alabama 1975, as last amended, relating to the hunting, taking, catching, capturing, or killing of, or the possession of, certain protected birds or animals during closed hunting season, so as to further prohibit the possession thereof; to provide for certain specific prohibitions and penalties relating to hunting, taking, catching, capturing, killing, or the possession of, wild turkey; and to expressly repeal Section 9-11-239, Code of Alabama 1975,



relating to the hunting, pursuit, capture, or killing of certain wild turkey and deer.

By Reps. Powell, Smith (C), Lindsey, Letson, Mikell, and Harvey:

**H. 582.** Relating to the licensing and bonding of dealers in agricultural products; to define dealers, products, commissioner, producers, and persons; to exempt certain persons from the provisions of this bill; to require that a dealer in agricultural products be licensed and said license shall cost from \$50 to \$200; to require that dealers be bonded or have a bond equivalent in amounts of not less than \$1,000 to \$50,000; to provide for denying, suspending or revoking a dealer license; to provide for hearing after there has been a denial, suspension or revocation of a license and to also provide for appealing orders rendered pursuant to a hearing; to provide for payment of agricultural products purchased within five days after an accounting or a receipt has been issued; to provide for the keeping of records and for inspection of sale and the inspection of produce purchased; to make the violation of this bill a class "C" misdemeanor and granting the Commissioner the powers of a peace officer in the enforcement of said bill; to provide for injunctive relief; to expressly repeal Chapter 29 of Title 2 providing for the permitting and bonding of farm product commission merchants.

By Reps. Bryant, Richardson, Clark (J), Layson, Cosby, Smith (C), Blakeney, and Black (L):

**H. 730.** To amend Section 9-11-84, Code of Alabama 1975, as last amended, relating to the sale or transportation of certain game fish, so as to provide for the applicability of the provisions thereof to certain hybrids of certain species, to further provide for certain exceptions and to provide for the promulgation of rules and regulations allowing the certain sale of certain game fish raised or cultured in private waters.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Clark (W) and Buskey (JE):

**H. 819.** To amend Section 11-43C-35, Code of Alabama 1975, relating to the compensation of the mayors of Class 5 Municipalities, so as to provide for such compensation and to provide for an effective date.

By Senator Langford:

**S. 609.** To amend Section 17-4-156, Code of Alabama 1975, relating to the working days of the county boards of registrars, so as to provide further for the maximum number of said days.

By Rep. McMillan:

**H. 458.** To amend further Section 11-3-4, Code of Alabama 1975, relating to the compensation of county commissioners, so as to change the amount allowed for mileage to the amount allowed by the internal revenue code for income tax deductions.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Box, Fuller, Campbell, and Buskey (JE) (With Amendment):

**H. 391.** To provide for the creation of a comprehensive statutory formulation of personal property leasing laws including the formation and construction, effect and performance of a lease contract; default by the lessor and lessee and general provisions. To amend Sections 7-1-105 of the Code of Alabama 1975, so as to include this act; to amend Section 7-1-201 of the Code of Alabama 1975, so as to revise the definition of "security interest"; to amend Section 7-9-113 of the Code of Alabama 1975, so as to include security interest arising under this act; to amend Sections 35-4-54 and 35-4-94 of the Code of Alabama 1975 so as to exclude leases; and to provide that this act will become effective January 1, 1992.

Senator Bennett, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedsole:

**S. 348.** To further amend Section 16-23-3, Code of Alabama 1975, as amended, relating to provisional teacher certification, so as to establish certain criteria for such provisional certificates.

By Senator Sanders:

**S. 645.** To increase the number of trustees on the Board of Trustees of Selma University and provide for their appointment.

By Senator Horn:

**S. 661.** To amend Section 16-17-1, Code of Alabama 1975, which defines certain terms relating to educational building authorities, so as to include public nonprofit corporations promoting educational television within the definition of "educational institution" and to expand the definitions of "construct" and "ancillary improvements."

By Senator Waggoner:

**S. 506.** To require the State Department of Education of Alabama to implement into its public health education program for required use in public school systems instruction which emphasizes sexual restraint and the dangers and harm of using illegal drugs; to declare the findings and purpose of the Alabama Legislature regarding specific health problems of school children; to state the minimum requirements of the contents to be required in such public health education program; and to establish standards of conduct which prohibit illegal drug use for employees and children within the schools.

Senator Owens, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Bowling, Ford, Turnham, Burke, Smith (C), Lindsey, Laird, Richardson, Cosby, Penry, Poole, Johnson, Haynes, Millican, Payne, Carothers, Beasley, Newton (C), Crow, Zoghby, Rockhold, Gullatt, Hooper, Clark (J), McKee, Turner, and Morrow:

**H. 572.** To provide that all procedures, protections and remedies afforded to a motor vehicle dealer shall also be available to a motor vehicle distributor whose distributor agreement is terminated, canceled, not renewed, modified or replaced by a manufacturer or an importer.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed

on the calendar, to-wit:

By Senator Wilson (With Notice and Proof):

**S. 695.** Relating to supernumerary district attorneys of the fourteenth (14th) judicial circuit; to provide a salary supplement equal to the salary supplement paid to supernumerary district attorneys of the tenth (10th) judicial circuit.

By Senator Wilson (With Notice and Proof):

**S. 698.** Relating to Walker County and the 14th Judicial Circuit, to levy certain additional costs and charges of court, to provide said costs and charges shall be placed in a special hazardous duty pay fund, to provide hazardous duty pay for certain deputy sheriffs and jailers, to authorize the county commission to increase the amount of hazardous duty payments, and to provide for implementation of this act.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford (With Notice and Proof) (With Amendment):

**S. 701.** Relating to Montgomery County; providing further for the expense allowance and compensation of the sheriff.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Owens (With Notice and Proof):

**S. 702.** Relating to Chilton County, to provide for an additional expense allowance for the tax collector.

By Senator Ellis (With Notice and Proof):

**S. 703.** Relating to Shelby County; repealing Act No. 1886, H. 2579, 1971 Regular Session, which provides for an assessment on forest lands for fire protection.

By Senator Owens (With Notice and Proof):

**S. 704.** Relating to Chilton County; authorizing the county coroner to appoint deputies.

By Senator Barron (With Notice and Proof):

**S. 706.** Relating to DeKalb County; providing that the county commission or other like governing body of such county shall have the power to levy and collect additional privilege license taxes, excise taxes, gasoline taxes, sales and use taxes and other taxes and/or fees; providing that any such tax levied by said governing body shall become law either with or without a referendum in the sole discretion of said governing body; providing for the disposition of the proceeds of such taxes; and repealing conflicting laws.

By Senator Ellis (With Notice and Proof):

**S. 707.** Relating to the City of Alabaster in Shelby County; authorizing an additional ad valorem tax and providing for a referendum.

By Senator Hale (With Notice and Proof):

**S. 710.** Relating to Cullman County, to amend Sections 1 and 12 of Act No. 83-778, S. 559, 1983 Regular Session (Acts 1983, p. 1426), which act levies a county hotel-motel lodging tax, so as to increase said tax, and to provide further for the use of the proceeds of such tax.

By Senator Owens (With Notice and Proof):

**S. 715.** Relating to Chilton County; providing certain additional compensation for the poll workers to be paid from the county general fund.

By Senator Ellis (With Notice and Proof):

**S. 718.** To provide that the Shelby County Commission may provide office space for a Constituency Office to assist the members of the Shelby County Delegation to the Legislature in serving their constituents.

By Senator Ellis (With Notice and Proof):

**S. 719.** Relating to Shelby County; providing further for the compensation of the circuit clerk of the county.

By Senator Ellis (With Notice and Proof):

**S. 720.** To alter, rearrange and extend the boundary lines of the City of Calera in Shelby County, subject to referendum approval by a majority of the qualified electors residing within the territory proposed to be annexed to said city.

By Senator Ellis (With Notice and Proof):

**S. 721.** To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Wilsonville, in Shelby County, to provide for a referendum election of the qualified electors who reside within the territory proposed to be brought within the municipal limits of Wilsonville.

By Senator Ellis (With Notice and Proof):

**S. 722.** To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Calera in Shelby County.

By Senator Ellis (With Notice and Proof):

**S. 723.** To alter, rearrange and extend the boundary lines of the City of Calera in Shelby County, subject to referendum approval by a majority of the qualified electors residing within the territory proposed to be annexed to said city.

By Senator Hale (With Notice and Proof):

**S. 725.** Relating to Cullman County; to amend Section 1 of Act No. 1247, H. 1642, Regular Session 1971 (Acts 1971, p. 2147), relating to the issuance of pistol permits so as to increase the fee therefor.

By Senator Ellis (With Notice and Proof):

**S. 726.** Relating to Shelby County, Alabama; to provide for the creation, maintenance and regulation of public corporations for the purpose of forming units for preventing and fighting fires and providing emergency services to sustain life, health and property, and to prescribe conditions and regulations relative to the creation of such public corporations; to prescribe the organizational structure, rights and powers of such public corporations; to prescribe certain limitations on the rights and powers of such public corporations and to provide for elections on questions of formation, indebtedness and financial support of such corporations.

By Senator Sanders (With Notice and Proof):

**S. 728.** Relating to Perry County; to provide an expense allowance for the Sheriff of Perry County and to provide for retroactive effect.

By Senator Lindsey (With Notice and Proof):

**S. 729.** Relating to Choctaw County; repealing Act No. 83-549, H. 451, 1983 Regular Session, which provides for an assessment on forest lands for fire protection.

By Senator Lindsey (With Notice and Proof):

**S. 730.** Relating to Choctaw County; providing that the Sheriff of Choctaw County may establish a canteen for the purpose of selling supplies to prisoners and to provide for the disposition for revenue derived from such sales.

By Reps. Mathis, Beasley, and Carothers (With Notice and Proof):

**H. 613.** Relating to compensation for the sheriff of Houston County; providing for an increase in such compensation commencing with the next term of office.

By Reps. Mathis, Beasley, and Carothers (With Notice and Proof):

**H. 614.** Relating to Houston County; providing an additional expense allowance for the sheriff of Houston County; and providing for an expiration date thereof.

By Reps. Carothers, Beasley, and Mathis (With Notice and Proof):

**H. 622.** Relating to the City of Dothan in Houston County; to amend further Section 4 of Act No. 103, H. 363, Regular Session 1953 (Acts of Alabama 1953, p. 145), entitled "An Act to Establish a City of Dothan Pension and Retirement System," and as amended by Act No. 82-208, which act relates to the City of Dothan's Pension and Retirement System, so as to provide further for the authorized investments of the Pension Board.

By Rep. Cullins (With Notice and Proof):

**H. 693.** Relating to Tallapoosa County; providing for the county

commission to reimburse the office of probate judge for certain monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that the probate judge may charge a fee for invalid checks.

By Rep. Holmes (With Notice and Proof):

**H. 812.** Relating to Montgomery County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; abolishing the offices of tax assessor and tax collector; and providing for a referendum thereon.

By Rep. Higginbotham (With Notice and Proof):

**H. 818.** Relating to Lee County; authorizing the county commission to levy an additional ad valorem tax outside the corporate limits of the cities of Auburn and Opelika; and providing for a referendum for approval of the tax by the qualified electors of the area.

By Reps. Blakeney and Black (L) (With Notice and Proof):

**H. 826.** Relating to Choctaw County; equalizing the salaries of the tax assessor and tax collector at the beginning of their next terms of office.

By Reps. Hamilton and Starkey (With Notice and Proof):

**H. 841.** Relating to Lauderdale County and compensation for sheriff; providing further for the county supplement for such sheriff; and providing an effective date.

By Rep. Mathis (With Notice and Proof):

**H. 844.** Relating to Geneva County; to authorize the County Board of Education, by resolution passed in open session, to increase their monthly expense allowance.

By Rep. McDaniel (With Notice and Proof):

**H. 850.** Relating to Marshall County, the probate judge shall



not receive for record or permit the recording of any instrument, conveying title or any interest in real property that does not have legibly printed, typewritten or stamped thereon the grantee's name and latest complete address.

By Rep. McDaniel (With Notice and Proof):

**H. 852.** Relating to Marshall County; to provide that the notice required to be given to delinquent taxpayers prior to the sale for taxes of their property be given by publication; to provide that trials be held to determine whether such sale should be ordered; to provide a method to give notice to delinquent property owners to show cause why a decree of sale should not be rendered against them; to provide a method for the sale of said property and the report of the amount of taxes collected from said sale.

By Rep. Thomas (With Notice and Proof):

**H. 864.** To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Camden in Wilcox County.

By Rep. McDaniel (With Notice and Proof):

**H. 851.** Relating to Marshall County; providing further for selling and redeeming lands for taxes.

By Rep. Thomas (With Notice and Proof):

**H. 869.** To alter, rearrange and extend the boundary lines and corporate limits of the town of Mosses in Lowndes County.

By Rep. Layson (With Notice and Proof):

**H. 887.** Relating to Tuscaloosa County; to amend Section 1 of Act No. 80-536, H. 73, 1980 Regular Session (Acts 1980, p. 835), as amended, which provides overtime compensation for certain law enforcement officers, so as to provide further for the officers of the City of Northport.

By Rep. Layson (With Notice and Proof):

**H. 888.** Relating to Tuscaloosa County; to amend Section 4 of

Act No. 1225, H. 1498, 1969 Regular Session (Acts 1969, p. 2297), which establishes a Civil Service System for the City of Northport, so as to provide for the ability to compensate members of the Civil Service Board.

By Rep. Clay (With Notice and Proof):

**H. 896.** Relating to Bullock County; repealing Act No. 241, H. 751, 1976 Regular Session, as amended, which provides for an assessment on forest lands for fire protection.

By Rep. Venable:

**H. 907.** Proposing an amendment to the Constitution of Alabama of 1901, providing for the election of the members of the board of education in the City of Tallassee, Alabama.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Venable (With Notice and Proof):

**H. 908.** Providing for a board of education for the city of Tallassee, Alabama, to be elected by the qualified electors of said city; providing that the members of such board shall be elected from defined school districts; providing for the terms of office, qualifications and compensation of such members; prescribing procedures for electing such members and for filling vacancies on such board; providing for board representation for persons not residing within a specific school district; providing certain immunity for such board members; providing for financial audits of the records of such board; specifically repealing Act No. 90-619 of the 1990 Regular Session of the Legislature and all other laws or parts of laws in conflict herewith and providing that this act shall become effective only upon the ratification of an amendment to the Constitution of Alabama 1901, authorizing an elected school board for the city of Tallassee and if such amendment is approved by a majority of the qualified electors of Elmore and Tallapoosa Counties voting on such constitutional amendment.

By Reps. Smith (C) and Powell (With Notice and Proof):

**H. 913.** Relating to Chilton County; to repeal Act No. 90-304, 1990 Regular Session, entitled "An Act Relating to Chilton County, Alabama, to allow, in addition to the uses now otherwise allowed, the

use of funds collected or obtained pursuant to the provisions of Title 11, Subtitle 3, Chapter 98, Code of Alabama 1975, by communications districts in said county, for the purchasing of road and street signs necessary for roads and streets which are renamed in order to establish E 911 service, due to the local needs of Chilton County not having been otherwise provided for by other legislation."

By Rep. McKee (With Notice and Proof):

**H. 921.** To repeal Act No. 80-709, entitled "An Act Relating to the City of Montgomery in Montgomery County; to authorize the City of Montgomery to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within such city, to be a public nuisance; to abate or cause to be abated the same; and, to create a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating same."

By Reps. Higginbotham and Turnham (With Notice and Proof):

**H. 894.** Relating to Lee County; to prohibit the placing of political signs, markers and advertising, on county controlled highways except for those signs or markers placed by or under the authority of the county.

By Rep. Melton (With Notice and Proof):

**H. 932.** Relating to Tuscaloosa County, to further amend Sections 1 and 2 of Act No. 601, H. 1087, 1976 Regular Session (Acts 1976, p. 817), as amended by Act No. 83-560, H. 820, 1983 Regular Session (Acts 1983, p. 858), which act deals with the issuance of pistol permits in certain counties, so as to provide further for fees and renewals.

By Rep. Thomas (With Notice and Proof):

**H. 933.** Relating to Wilcox County, providing further for the compensation of the sheriff.

By Rep. Parker (T) (With Notice and Proof):

**H. 942.** Relating to the City of Tuscaloosa in Tuscaloosa County; authorizing an additional ad valorem tax to be used for general educational purposes and providing for a referendum for approval of the tax by the qualified electors of the city.

By Rep. Bryant (With Notice and Proof):

**H. 946.** Relating to Perry County; to provide for an additional expense allowance for the county coroner.

By Rep. Williams (With Notice and Proof):

**H. 947.** To alter or rearrange the boundary lines of the City of Ozark, Dale County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territories contiguous thereto, in Dale County, Alabama, and to provide for a referendum.

By Rep. Williams (With Notice and Proof):

**H. 948.** To alter or rearrange the boundary lines of the city of Ozark, Dale County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territories contiguous thereto, in Dale County, Alabama.

By Rep. Williams (With Notice and Proof):

**H. 949.** To alter or rearrange the boundary lines of the Town of Newton, Dale County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territories contiguous thereto, in Dale County, Alabama.

By Rep. Cullins (With Notice and Proof):

**H. 951.** Relating to Tallapoosa County; amending Act No. 81-419, H. 906, 1981 Regular Session, which relates to the compensation of election officials, so as to increase said compensation.

By Rep. Cullins (With Notice and Proof):

**H. 952.** Relating to Tallapoosa County; providing for the mode of establishing the construction, maintenance and repair of public roads, highways, bridges and ferries under a modified county unit system; authorizing and requiring the county commission to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county

commission in relation to the roads, bridges and ferries of Tallapoosa County; and specifically repealing Act No. 88-121, H. 437, 1988 Regular Session.

By Rep. Drake (With Notice and Proof):

**H. 958.** Relating to Cullman County; abolishing the office of constable and providing an effective date.

By Rep. Williams (With Notice and Proof):

**H. 977.** To alter or rearrange the boundary lines of the City of Daleville, Dale County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territories contiguous thereto, in Dale County, Alabama.

By Rep. Parker (P) (With Notice and Proof):

**H. 978.** Relating to the Town of Priceville in Morgan County, Alabama; to validate, in certain cases, annexations heretofore held by the Town of Priceville.

By Reps. Johnson and Haynes (With Notice and Proof):

**H. 981.** To authorize the city council of the City of Sylacauga, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by the City of Sylacauga, on all taxable property situated within the City of Sylacauga, the special ad valorem tax for public school purposes which is authorized in Amendment No. 56 to the Constitution, to a maximum rate, for any tax year of the city, which is equal to \$2.10 on each one hundred dollars (21 mills on each dollar) of assessed value.

By Rep. Anderson (With Notice and Proof):

**H. 983.** Relating to Morgan County; providing for an expense allowance for the members of the jury commission.

By Rep. Hammett (With Notice and Proof):

**H. 986.** Relating to the City of Opp in Covington County; authorizing an additional ad valorem tax to be used for the general educational purposes and providing for a referendum.

By Rep. Harvey (With Notice and Proof):

**H. 987.** Relating to Blount County; providing for the merging of the budgetary operations of the Revenue Commissioner's office; providing that said office shall be financed on a pro rata share basis from proceeds of state, county and municipal ad valorem taxes collected in the county; and providing for supplemental effect.

By Rep. Clay (With Notice and Proof):

**H. 992.** Relating to Bullock County; authorizing the county commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in the county; and providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom.

By Rep. Clay (With Notice and Proof):

**H. 995.** Relating to Bullock County; abolishing the offices of tax assessor and tax collector; providing for the establishment of a consolidated and unified system of assessment and collection of ad valorem taxes under the supervision of an elective county official designated as county revenue commissioner; providing for the election and compensation of such revenue commissioner; and providing for a referendum upon the question of whether a majority of the qualified electors favor a revenue commissioner.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Horn (With Notice and Proof):

**S. 688.** Relating to the Board of Education of the City of Birmingham, Jefferson County, Alabama; providing for an increase in the membership to nine members and for the election of the members of the city board of education from the single-member districts as established for election of members of the council of said city.

By Senator Parsons (With Notice and Proof):

**S. 469.** To authorize the Board of Managers of the City of

Birmingham Retirement and Relief System to consider the application of Donald C. Waid for a pension based upon extraordinary disability and to award such pension if, in the judgment of the Board of Managers, such pension is required, and to provide for the conditions and limitations applying to such pension.

By Senator Bennett (With Notice and Proof):

**S. 488.** Relating to the Jefferson County Tax Assessor's office and the Jefferson County Tax Collector's office; to amend provisions for salaries of the Appointed Chief Deputy Tax Assessors and the Appointed Chief Deputy Tax Collectors.

By Senator Hilliard (With Notice and Proof):

**S. 705.** Relating to the Tenth Judicial Circuit in Jefferson County, amending Act No. 523, H. 121, 1975 Regular Session, as amended, so as to increase the number of deputy district attorneys in said circuit.

By Reps. McClain, Petelos, Newton (D), Rogers (J), Barnes, and McDowell (With Notice and Proof):

**H. 765.** Relating to Jefferson County, to provide for the election procedures of the members of the city of Fairfield city council, by single-member districts and one at-large member in addition to the mayor; to further provide for the residency qualifications for such councilmen and the manner of filling a vacancy; to require certification of any ordinance together with a map or plat of the district boundaries and the filing of such documents by the city clerk in the office of the judge of probate; to provide for the organization of the city council and the powers to be vested therein and/or to be exercised by such council; and to repeal conflicting laws.

By Rep. Biddle (With Notice and Proof):

**H. 1012.** Relating to Jefferson County, amending Act No. 87-524, H. 513, 1987 Regular Session, authorizing the Jefferson County Coroner-Medical Examiner's Office to take corneal tissue during the course of autopsy proceedings, so as to provide further for such authorization.

By Senator Amari (With Notice and Proof):

**S. 652.** Relating to Jefferson County; prohibiting the county and

municipalities and instrumentalities thereof from expending funds for certain contracts not subject to the competitive bid laws to be performed by any person or firm in which any owner, director, officer or employee is related by blood or marriage to an elected officer of the county or municipality which is a party to the contract.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Windom (With Notice and Proof):

**S. 708.** Relating to Mobile County; to provide for the temporary release of certain prisoners in the county jail for the purpose of working at gainful employment or for other rehabilitative purposes; to provide for the payment by persons so released to the county of a portion of their gross earnings and for the utilization of the funds derived therefrom; to provide for the Mobile Pre-Trial Release and Jail Diversion Fund; to establish penalties for failure to appear or for violation of release conditions; to provide for the forfeiture of security deposited to insure the attendance of the defendant; and to provide for the administration and supervision of activities hereunder by the Presiding Circuit Judge of the Thirteenth Judicial Circuit; and to authorize appropriations to the fund by the Mobile County Commission.

By Rep. Zoghby (With Notice and Proof):

**H. 891.** Relating to Mobile County; to provide an annual supplemental salary of \$7,500.00 to the license commissioner, effective upon the expiration of the current term of office, which shall be provided in lieu of any local salary, expense allowance, per diem, or other compensation previously provided by local law to said official; and prorating such supplemental salary from various funds.

By Reps. Gaston, Zoghby, Kennedy, Clark (W), Turner, Kvalheim, and Rockhold (With Notice and Proof):

**H. 855.** Relating to Mobile County; to provide the administrator of estates an annual county expense allowance of \$6,000.00, effective October 1, 1991, which shall constitute the total compensation payable by the county to said official, in lieu of any local salary, expense allowance, per diem or other compensation previously provided by law to said official.



By Rep. Harper (With Notice and Proof):

**H. 899.** Relating to Mobile County; to provide an annual supplemental salary of \$7,500.00 to the revenue commissioner, effective October 1, 1991, which shall be provided in lieu of any local salary, expense allowance, per diem, or other compensation previously provided by local law to said official; and prorating such supplemental salary from various funds.

By Rep. Harper (With Notice and Proof):

**H. 1002.** Relating to Mobile County, providing for additional compensation to members of the board of directors of certain public utility authorities.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Beasley, Flowers, Hooper, Knight, Bowling, Harvey, Sanderford, White, Williams, Starkey, Rogers (J), Laird, Payne, Anderson, Zoghby, Rockhold, Smith (C), Newton (C), Rogers (F), Kennedy, Campbell, Cullins, Holley, McMillan, Clay, Walker, Willis, McKee, Crow, Cagle, Hogan, Blakeney, Black (L), Mikell, Thomas, Poole, McDaniel, Mathis, Warren, Holladay, Layson, Fuller, Turnham, Buskey (JE), Johnson, Carothers, Venable, and Kvalheim:

**H. 295.** To amend Section 36-21-8, Code of Alabama 1975, relating to certain law enforcement officers retaining their badge and pistol as part of retirement benefits, to include certain law enforcement officers who are employees of the state forestry commission.

By Senator Amari:

**S. 651.** Relating to the compensation of certain department heads or members of the governor's cabinet.

#### COMMITTEE REPORT FILED

Pursuant to the provisions of SJR 256, 1983 Regular Session, the annual report of the Alabama Permanent Oil and Gas Study Committee

was read and filed with the Secretary.

### BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., SB 329, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Denton, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Preuit, Sanders, Wilson, and Windom -25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 329.** Relating to Etowah County, to levy a privilege or license tax on every person engaged in the renting of real estate, to provide for the computation, collection and enforcement of said tax, to provide penalties for failure to pay said tax, to authorize the county commission to promulgate necessary rules and regulations, to provide that said tax information shall be confidential and to provide for the allocation of said tax receipts.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Denton, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Preuit, Sanders, Wilson, and Windom -25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Bennett, B.I.R., SB 404, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bennett, Campbell, Corbett, Denton, Dial, Dixon, Ellis,

Figures, Floyd, Foshee, Ghee, Hilliard, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom -25

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 404.** Relating to Jefferson County; to create a commuter rail authority called the "Metropolitan Rapid Rail Commission," hereinafter referred to as "the commission," to be constituted as a public corporation to provide and administer a commuter rail service for the county and political subdivisions of the county; to provide for the composition of the commission; to provide for terms of office, meetings, qualifications, powers, duties, responsibilities, accountability, personnel, and finances of the commission; to provide for the authorization of acceptance of grants, appropriations and contributions; and to authorize certain public assistance to the commission.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, SB 404, to-wit:

**SUBSTITUTE FOR SB 404**

**A B I L L  
T O B E E N T I T L E D  
A N A C T**

Relating to Jefferson County; to create a commuter rail authority called the "Metropolitan Rapid Rail Study Commission," hereinafter referred to as "the commission," to be constituted as a public corporation to study, research and plan for a commuter rail service for the county and political subdivisions of the county; to provide for the composition of the commission; to provide for terms of office, meetings, qualifications, powers, duties, responsibilities, accountability, personnel, and finances of the commission; to provide for the authorization of acceptance of grants, appropriations and contributions; and to authorize certain public assistance to the commission.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. There is hereby created a commuter rail authority in Jefferson County to be called the "Metropolitan Rapid Rail Study Commission," hereinafter referred to as "the commission." The commission shall be a body corporate and politic, shall be governed and managed as provided for in this act, and shall have the powers and duties provided for by this act and other applicable provisions of the law.

Section 2. The commission shall be composed of 14 members as follows:

- (a) Two members appointed by the mayor of Birmingham;
- (b) Two members appointed by the Jefferson County Commissioner in charge of roads and transportation;
- (c) The Executive Director of the Birmingham-Jefferson County Civic Center or his appointed representative;
- (d) One member appointed by the president of the University of Alabama at Birmingham;
- (e) One member appointed by the Birmingham-Jefferson County Transit Authority;
- (f) The Executive Director of Operation New Birmingham (ONB) or his appointed representative;
- (g) The Executive Director of the Greater Birmingham Convention and Visitors Bureau or his appointed representative; and
- (h) Two members appointed by the Jefferson County Senate Delegation and two members appointed by the Jefferson County House Delegation.

Section 3. (a) The appointed members shall be appointed to four-year terms, and may be reappointed one time. The appointed members shall be persons representative of and knowledgeable about commuter rail transportation operations or service.

(b) The commission shall elect a chairman and such other officers as it may deem necessary and shall meet at least quarterly and may meet at any time on the call of the chairman or upon request of a majority of the membership.

(c) A quorum of the commission shall be a majority of the total membership.

(d) Any appointed commission member may designate in writing a representative who shall be entitled to vote and fully participate in the actions of the board.

(e) Actions of the board shall require an affirmative or negative vote of a majority of the total membership of the board.

(f) The commission is authorized to establish through bylaws such procedures and rules for its operation as it may deem necessary, including the maintenance of minutes and other official records and the adoption of an annual budget.

(g) Members of the commission shall serve without compensation, but appointed or designated members may receive reimbursement for actual and necessary travel expenses from funds available to the commission.

Section 4. The commission is authorized to employ such personnel as it may deem necessary from available funds and to utilize services or assistance from any included county or municipality or other public board or agency, including the loan of personnel.

Section 5. The commission herein created shall have the following powers, rights and duties:

(1) To plan for and propose a commuter rail system in Jefferson County;

(2) To adopt and use a corporate seal;

(3) To study feeder transit services to rail stations in coordination with the Birmingham-Jefferson County Metropolitan Transit Authority;

(4) To cooperate with other governmental entities and to contract with other governmental agencies, including but not limited to, the Alabama Highway Department, the federal government, counties and municipalities; and

(5) To enter into joint planning agreements.

Section 6. The commission may develop a plan for providing various commuter rail services which shall include, but not be limited to the following:

- (a) Establishment, location or relocation of transit routes;
- (b) Areas to be served;
- (c) Frequency and method of service;
- (d) Coordination of existing services;
- (e) Contributions by governments in the service area toward the cost of transit services;
- (f) Contracting or entering into agreements with existing entities to provide transit services;
- (g) Sources and methods of funding existing or expanded services;
- (h) Provision of special services for handicapped persons or other persons unable to use regularly scheduled and equipped services;
- (i) Provision of services for special events or occasions; and
- (j) Any other provisions necessary or desirable to establish a coordinated, reliable, scheduled commuter service.

Section 7. The commission is authorized to solicit, accept and expend grants, appropriations, contributions or other funds from any source, public or private, and maintain an accounting of such receipts and expenditures, subject to audit by the state examiners of public accounts.

Section 8. Any department or agency of the state or any county, municipality, or metropolitan government included in the commission may, upon request of the commission, provide any services or assistance to the commission in preparing a plan or in organizing its operations.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bennett, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hilliard, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom  
-25

Nays: - 0

And said Bill, SB 404, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bennett, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hilliard, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom  
-25

Nays: - 0

#### BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., SB 502, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, deGraffenried, Denton, Dial, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Owens, Smith (B), Smith (J), and Windom  
-18

Nays: - 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 502.** Relating to Montgomery County; providing further for the compensation of the tax assessor and tax collector.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Floyd, Foshee, Ghee, Hale, Hilliard, Langford, Lipscomb, Little, Owens, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Corbett, B.I.R., HB 674, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Owens, Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 674.** Relating to Lawrence County; providing for the county commission to reimburse the offices of the tax collector, tax assessor, revenue commissioner, license commissioner and the probate judge for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that such funds shall be payable from the



general fund of the county.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Denton, Dial,  
Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn,  
Langford, Lindsey, Lipscomb, Little, Owens, Waggoner, Wilson, and  
Windom -25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 675, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Denton, Dial,  
Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn,  
Langford, Lindsey, Lipscomb, Little, Owens, Waggoner, Wilson, and  
Windom -25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**H. 675.** Relating to Lawrence County, to provide for the assessment and collection of an additional court charge on each district and circuit court case filed and to provide for the distribution of the proceeds of said additional charge to the historical commission.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Denton, Dial,  
Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn,

Langford, Lindsey, Lipscomb, Little, Owens, Waggoner, Wilson, and Windom -25

Nays: - 0

### BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 722, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, Wilson, and Windom -25

Nays: - 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**H. 722.** Relating to Lowndes County; providing further for the compensation of the county coroner and repealing Act No. 620, H. 795, 1967 Regular Session, as amended, and Act No. 515, H. 1135, 1965 Regular Session, as amended.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, Wilson, and Windom -25

Nays: - 0

### BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 723, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd,

Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, Wilson, and Windom -25

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 723.** Relating to Lowndes County; authorizing the county commission to levy additional sales and use taxes paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 40-23-4, 40-23-60, 40-23-61, 40-23-62 and 40-23-63 of the Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; and prescribing penalties and fixing punishment for violation of this act.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, Wilson, and Windom -25

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Corbett, B.I.R., HB 731, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, and Smith (J) -25

Nays: - 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 731.** Relating to Limestone County; so as to further provide for an additional expense allowance and expiration date therefor and the coroner and deputy coroner's compensation, in the next term of office for coroner and deputy coroner and to authorize the coroner and deputy coroner to use their compensation to employ an assistant as needed.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, and Smith (J) -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Corbett, B.I.R., HB 732, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, and Smith (J) -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 732.** Relating to Limestone County; so as to further provide for an additional expense allowance and expiration date therefor and the chairman and members of the county commission compensation, in the next term of office, and to provide for retroactive effect.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, and Smith (J) -25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., SB 560, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 560.** Relating to Marion County; to amend Section 4 of Act No. 80-128, 1980 Regular Session, so as to provide further for the disposition of the proceeds from the sale of county property.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little,

Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -25

Nays: - 0

### **BUDGET ISOLATION RESOLUTION**

Senator Bolling, B.I.R., SB 561, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

**S. 561.** Relating to Lamar County, providing further for the distribution of certain funds to the Lamar County Water Authority and to rescue squads and certified fire departments.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

### **BUDGET ISOLATION RESOLUTION**

Senator Bolling, B.I.R., SB 562, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Denton, Dial, Dixon, Ellis,

Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford,  
Lindsey, Lipscomb, Little, Smith (B), Smith (J), Waggoner, Wilson,  
and Windom -25

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 562.** Relating to Fayette County; to designate and fix the boundaries of an area in Fayette County to be known as The Tom Bevill Reservoir Management Area; to provide for and authorize the incorporation of a public corporation as a political subdivision of the state to be named The Tom Bevill Reservoir Management Area Authority for the development of that portion of North River in Fayette County and within the boundaries of The Tom Bevill Reservoir Management Area as created and defined by this act, its tributaries and watershed area, for the purposes of water conservation and supply, dam construction and reservoir development, for industrial development, flood control, navigation, irrigation, public recreation and related purposes; to provide for the composition of the board of directors of the authority; to specify the powers and duties of the authority and its board of directors; to authorize the authority to investigate the resources of The Tom Bevill Reservoir Management Area, to determine and implement the requirements for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective; to authorize the authority to acquire land and interests in land by purchase, construction, lease, condemnation or otherwise, and to hold, manage and sell such land and interests therein; to make provisions respecting the establishment and revision of rates, fees and charges for services rendered by the authority; to provide for the issuance by the authority for any of its corporate purposes of interest-bearing revenue bonds and notes payable solely out of the revenues of the authority or out of the revenues of any particular facilities and other property of the authority, without regard to the specific facilities and other property with respect to which such bonds and notes may have been issued; to provide that such bonds and notes shall constitute negotiable instruments; to provide that such bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the authority for the proper application of its revenues and the proceeds of such bonds and notes and by a nonforeclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other

property out of the revenues from which such bonds and notes are payable, and to provide that bonds and notes of the authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by the authority of obligations respecting facilities and other property acquired by the authority; to provide for the use of the proceeds of bonds and notes issued by the authority; to provide for the refunding by the issuance of bonds and notes of the authority, of bonds and notes theretofore issued or obligations theretofore assumed by it; to provide that bonds and notes issued and contracts entered into by the authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or other political subdivision of the state; to authorize the Fayette County commission and the municipalities located therein to contribute money to the authority, without the necessity of an election and with or without consideration therefor; to exempt from all taxation in this state, the authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the authority is a party, and to exempt the authority from payment of certain charges to judges of probate; to grant to the authority the power to levy and collect within the boundaries of the management area certain excise taxes, sales taxes, and ad valorem taxes; to provide that the authority shall have zoning power within the boundaries of the management area; to provide that the authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; to provide for the use of public roads in the state by the authority; and to provide for certain annual reports by the authority.

was taken up.

On motion of Senator Bolling, the Rules were suspended and further consideration of the Bill, SB 562, was postponed.

On motion of Senator Bolling, the Rules were suspended in order to bring up the Bill, HB 834.

### BUDGET ISOLATION RESOLUTION

Senator Bolling, B.I.R., HB 834, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Denton, Dial, Dixon, Ellis,



Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 834.** Relating to Fayette County; to designate and fix the boundaries of an area in Fayette County to be known as The Tom Bevill Reservoir Management Area; to provide for and authorize the incorporation of a public corporation as a political subdivision of the state to be named The Tom Bevill Reservoir Management Area Authority for the development of that portion of North River in Fayette County and within the boundaries of The Tom Bevill Reservoir Management Area as created and defined by this act, its tributaries and watershed area, for the purposes of water conservation and supply, dam construction and reservoir development, for industrial development, flood control, navigation, irrigation, public recreation and related purposes; to provide for the composition of the board of directors of the authority; to specify the powers and duties of the authority and its board of directors; to authorize the authority to investigate the resources of The Tom Bevill Reservoir Management Area, to determine and implement the requirements for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective; to authorize the authority to acquire land and interests in land by purchase, construction, lease, condemnation or otherwise, and to hold, manage and sell such land and interests therein; to make provisions respecting the establishment and revision of rates, fees and charges for services rendered by the authority; to provide for the issuance by the authority for any of its corporate purposes of interest-bearing revenue bonds and notes payable solely out of the revenues of the authority or out of the revenues of any particular facilities and other property of the authority, without regard to the specific facilities and other property with respect to which such bonds and notes may have been issued; to provide that such bonds and notes shall constitute negotiable instruments; to provide that such bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the authority for the proper application of its revenues and the proceeds of such bonds and notes and by a nonforeclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which such bonds and notes are

payable, and to provide that bonds and notes of the authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by the authority of obligations respecting facilities and other property acquired by the authority; to provide for the use of the proceeds of bonds and notes issued by the authority; to provide for the refunding by the issuance of bonds and notes of the authority, of bonds and notes theretofore issued or obligations theretofore assumed by it; to provide that bonds and notes issued and contracts entered into by the authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or other political subdivision of the state; to authorize the Fayette County commission and the municipalities located therein to contribute money to the authority, without the necessity of an election and with or without consideration therefor; to exempt from all taxation in this state, the authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the authority is a party, and to exempt the authority from payment of certain charges to judges of probate; to grant to the authority the power to levy and collect within the boundaries of the management area certain excise taxes, sales taxes, and ad valorem taxes; to provide that the authority shall have zoning power within the boundaries of the management area; to provide that the authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; to provide for the use of public roads in the state by the authority; and to provide for certain annual reports by the authority.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said

Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 404.** Relating to Jefferson County; to create a commuter rail authority called the "Metropolitan Rapid Rail Study Commission," hereinafter referred to as "the commission," to be constituted as a public corporation to study, research and plan for a commuter rail service for the county and political subdivisions of the county; to provide for the composition of the commission; to provide for terms of office, meetings, qualifications, powers, duties, responsibilities, accountability, personnel, and finances of the commission; to provide for the authorization of acceptance of grants, appropriations and contributions; and to authorize certain public assistance to the commission.

JIM PREUITT,  
Chairperson.

### BUDGET ISOLATION RESOLUTION

Senator Bolling, B.I.R., SB 564, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 564.** Relating to Lamar County, providing further for the distribution of certain funds to the Lamar County Water Authority and to rescue squads and certified fire departments.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Denton, Dial, Dixon, Ellis,

Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

### POINT OF PERSONAL PRIVILEGE

Senator Windom requested and received permission to suspend the Rules in order to bring up the following Message from the House, relative to the Bill, SB 321, to-wit:

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

**S. 321.** To amend Sections 4-3-41, 4-3-45, 4-3-47 and 4-3-59, Code of Alabama 1975, which relate to airport authorities, so as to provide for the reincorporation of existing airport authorities; to empower airport authorities to sell, exchange or grant options to buy or sell property; to expand the right of airport authorities to provide goods and services; to empower airport authorities to levy passenger facility charges and access fees; to expand the types of deposits or obligations in which an airport authority might invest funds; to expand the police powers of airport authorities, and to provide further for court jurisdiction; to provide that airport authorities can engage in certain financing; to enable airport authorities to assess and collect fines from any person, firm or corporation occupying or utilizing the airport or airport facilities in the event such party is the cause of fines or penalties being levied against the airport authority; and to exempt the airport authority from liability for the payment of deed recording fees and roll-back taxes.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Windom, the Senate concurred in and adopted the following House amendment to the Bill, SB 321, the title of which is set out in the foregoing Message from the House, to-wit:

**AMENDMENT TO SB 321**

Amend Senate Bill No. 321 Page 16 Line 30, by striking out the word "an" after the word "of" and inserting in lieu thereof the word "and"

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, Corbett, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuit, Waggoner, and Windom -24

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bedsole requested and received permission to suspend the Rules in order to bring up the Bill, SB 496.

Senator Bedsole, B.I.R., SB 496, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuit, Smith (J), Waggoner, and Windom -22

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 496.** To amend Sections 11-98-1, 11-98-2, 11-98-4, 11-98-5 and 11-98-6, Code of Alabama 1975, relating to emergency telephone service, so as to provide further for procedures relating to the creation of communications districts; to prescribe the corporate structure and organization of such districts, including their corporate powers; and to provide that such districts may receive certain property and make certain expenditures.

was taken up.

Senator Bedsole offered the following amendment to the Bill, SB 496, to-wit:

### AMENDMENT TO SB 496

Amend Senate Bill No. 496 as follows:

Page 9 - line 15 - insert a new sentence as follows:

The governing body of the city or county affected shall be responsible to purchase and install the necessary signs to properly identify all roads and streets in the district.

Further on page 6, line 16, insert a new subsection as follows:

"(h) Any other provisions of this amendatory act notwithstanding, the Board of Commissioners shall present to the creating authority and receive prior approval therefor, for the acquisition, disposition or improvements to real property."

Further on page 5 - line 8 delete in its entirety the sentence

"Board members and employees of the district shall be immune from any civil liability while acting within the scope and authority of their duties and responsibilities."

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, Dial, Ellis, Floyd, Foshee, Ghee, Hilliard, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (J), Wilson, and Windom -24

Nays:

- 0

And said Bill, SB 496, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, Dial,

Dixon, Ellis, Floyd, Ghee, Hale, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Bolling, B.I.R., SB 566, offered.

On motion of Senator Bolling, the Rules were suspended and further consideration of the B.I.R. and the Bill, SB 566, were postponed.

**BUDGET ISOLATION RESOLUTION**

Senator Bolling, B.I.R, HB 833, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 833.** To propose an amendment to the Constitution of Alabama of 1901 to authorize in Fayette County the incorporation of The Tom Bevell Reservoir Management Area Authority for the purposes of water conservation and supply, dam construction and reservoir development, for industrial development, flood control, navigation, irrigation, public recreation and related purposes.

was read a third time at length as required by the Constitution and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee,

Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

### BUDGET ISOLATION RESOLUTION

Senator Lindsey, B.I.R., HB 618, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Lindsey, Little, Owens, Parsons, and Sanders -25

Nays: - 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**H. 618.** To alter or rearrange the boundary lines of the Town of Silas, Choctaw County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Choctaw County, Alabama.

was taken up.

Senator Lindsey requested and received unanimous consent to suspend the Rules to postpone further consideration of the Bill, HB 618, subject to the call of the Chair.

### BUDGET ISOLATION RESOLUTION

Senator Bolling, B.I.R., HB 620, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey,



Lipscomb, Little, Owens, Parsons, Preuit, Sanders, Smith (B), and Smith (J) -25

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 620.** Relating to Franklin County; to amend section 1 of Act No. 85-685, H. 1062, Regular Session 1985 (Acts 1985, p. 1099) relating to the disposition of revenues from fees assessed on transactions of the tax assessor; so as to provide that certain funds currently allocated for a county legislative office be deposited in the county general fund.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Preuit, Sanders, Smith (B), and Smith (J) -25

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Windom, B.I.R., HB 663, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, Waggoner, Wilson, and Windom -25

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 663.** Relating to Marengo County; repealing Act No.

85-467, H. 715, 1985 Regular Session, which provides for an assessment on forest lands for fire protection.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Waggoner, Wilson, and Windom -25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Little, B.I.R., HB 679, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Little, Wilson, and Windom -25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**H. 679.** Relating to Lee County, to impose a fee on the rental of video cassettes; to provide for the method of reporting and paying the fee; to provide for a fee for the county tax collecting official for the collection of same; and to provide for penalties for failure to pay.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee,

Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Little, Wilson, and  
Windom -25

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Wilson, B.I.R., HB 725, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial,  
Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn,  
Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Preuitt, Sanders,  
and Wilson -25

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 725.** Relating to Pickens County; providing that the Pickens  
County Commission may establish and adopt voting centers by resolu-  
tion.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial,  
Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn,  
Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Preuitt, Sanders,  
and Wilson -25

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Lindsey, B.I.R., HB 754, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Lindsey, Little, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 754.** Relating to Washington County; providing further for an expense allowance for members of the County Commission.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Lindsey, Little, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Lindsey, B.I.R., HB 777, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, and Preuitt -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 777.** To amend Section 1 of Act No. 256, S. 392 of the 1973 Regular Session (Acts 1973, p. 289), entitled "An Act To provide for an additional expense allowance for the members of the Monroe County Board of Registrars," so as to provide further for such expense allowance retroactive to October 1, 1985; and to specifically repeal Act No. 90-628, H. 886, 1990 Regular Session (Acts 1990, p. 1148).

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, and Preuit  
-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bedsole, B.I.R., HB 169, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, and Windom  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 169.** Relating to the City of Mobile, to amend Act Number 31 of the Alabama Legislature, Second Special Session 1975, adopted March 10, 1975, and any amendments thereto, which relates to the incorporation in any municipality having a population of not less than

175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census of an authority as a public corporation for the purpose of providing public transportation service in such county and the compensation of directors of any such authority.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Bedsole, B.I.R., HB 856, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**H. 856.** Relating to Mobile County; changing the name of Mobile County High School.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bedsole, B.I.R., HB 846, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 846.** Relating to the City of Prichard, Mobile County, and the pension and retirement fund for such city; amending further SECTION XII of Act No. 235, H. 290, 1963 Regular Session, as last amended, relating to the payment eligibility and the formula therefor of certain retirees, so as to provide for such eligibility.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bedsole, B.I.R., HB 746, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 746.** To repeal Act No. 81-446, H. 679, 1981 Regular Session, entitled, "An Act Relating to Mobile County; to provide further for the compensation of election employees and officers," to repeal Act No. 85-694, H. 954, 1985 Regular Session, and to provide further for the compensation of election employees and officers.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bedsole, B.I.R., SB 622, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 622.** Relating to Mobile County; providing for the compensation and payment of additional salary for members of the county governing body, and further providing that all expense allowance shall be deemed to constitute salary compensation, effective upon the next term of office.

was taken up.

The Standing Committee on Local Legislation No. 3 reported the



following substitute for the Bill, SB 622, to-wit:

**SUBSTITUTE FOR SB 622**

**A B I L L  
T O B E E N T I T L E D  
A N A C T**

Relating to Mobile County; providing for the compensation and payment of additional salary for members of the county governing body, and further providing that all expense allowance shall be deemed to constitute salary compensation, effective upon the next term of office and upon the adoption of a resolution by the Mobile County Commission at an open public meeting.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. The members of the Mobile County Commission, the governing body of Mobile County, shall each receive an annual salary of \$57,000.00. Such compensation shall become effective at the beginning of the next term of said county commission or other like governing body. In addition thereto, all expense allowance payable to such members of the Mobile County Commission existing on the effective date of this act shall from that date until the expiration of the current terms of office continue to be payable as an expense allowance; however, upon the new terms of office, said payments shall be deemed to constitute salary compensation for all purposes and the same shall continue to be paid thereafter as salary compensation. Said salary shall be paid in equal monthly installments from any funds in the county treasury available for that purpose, as provided by law.

Section 2. This act shall not become effective unless a resolution is adopted at an open public meeting by the Mobile County Commission which authorizes and ratifies the provisions of this act.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

- 0

And said Bill, SB 622, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 1

Yeas:

Senators:

Amari, Bailey, Bedsole, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -25

Nay: Senator Windom

- 1

**BUDGET ISOLATION RESOLUTION**

Senator Bedsole, B.I.R., SB 626, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 626.** Relating to Mobile County; to provide the county treasurer an annual county salary of \$35,500.00, effective upon the expira-

tion of the current term of office which, when effective, shall constitute the total compensation payable by the county to said official, in lieu of any other local salary, expense allowance, per diem or other compensation previously provided by law to said official.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 1

Yeas:

Senators:

Amari, Bailey, Bedsole, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Wilson  
-25

Nay: Senator Windom

- 1

### BUDGET ISOLATION RESOLUTION

Senator Bedsole, B.I.R., SB 629, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Windom  
-25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 629.** Relating to Class 2 municipalities and the payment of assessments to a municipality for local improvements, so as to provide further for payment of said assessment; and to provide for payment in installments of principal amounts in excess of \$1,000.00, which shall bear interest.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

- 0

**POINT OF PERSONAL PRIVILEGE**

Senator Windom requested that the Journal show that had he been present when the Bill, HB 169, was passed, he would have voted "Nay."

**BUDGET ISOLATION RESOLUTION**

Senator Denton, B.I.R., HB 576, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Preuitt, Waggoner, Wilson, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 576.** Relating to Colbert County and particular portions thereof, to provide further for fire protection, to levy a fire protection service fee on certain owners of dwellings, to provide for certain exemptions, to provide for the collection of said fee, to provide for the distribution of funds derived from said fee to volunteer fire departments, to provide for the expending and accounting of said funds, to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department, to provide that the county shall be immune from certain liability, and to provide that the operation of the act is conditioned on approval of certain electors at an election.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Preuitt, Waggoner, Wilson, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Dial, B.I.R., HB 577, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 577.** To alter, rearrange and extend the boundary lines and corporate limits of the Town of Wedowee in Randolph County, so as to include the industrial park.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Sanders, B.I.R., HB 669, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, and Sanders -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 669.** Relating to Perry County; repealing Act No. 80-492, H. 1040, 1980 Regular Session, as amended, which provides for an assessment on forest lands for fire protection.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, and Sanders -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Owens, B.I.R., HB 670, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 670.** Relating to Bibb County; repealing Act No. 772, H. 1708, 1973 Regular Session, which provides for an assessment on forest lands for fire protection.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuit, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Dial, B.I.R., HB 716, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Dial, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, and Sanders  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 716.** Relating to Chambers County; amending Act No. 475, H. 304, 1973 Regular Session, which established the county commission, so as to provide further for the meetings of the county commission.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Dial, B.I.R., HB 717, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 717.** Relating to Chambers County; amending Act No. 81-466, H. 974 of the 1981 Regular Session (Acts 1981, p. 816), providing for the mileage allowance of the county coroner, so as to make a monthly payment in lieu of such mileage payable from the county general fund.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Sanders, Smith (B), Smith (J), Waggoner,



Wilson, and Windom -25

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Dial, B.I.R., HB 719, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Dial, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, and Sanders -25

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 719.** Relating to Cleburne County; repealing Act No. 81-139, H. 576, 1981 Regular Session, as amended, which provides for an assessment on forest lands for fire protection.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Dial, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, and Sanders -25

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Barron, B.I.R., HB 728, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis,

Figures, Floyd, Foshee, Ghee, Hale, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

**H. 728.** To amend Section 1 of Act No. 89-397, H. 673 of the 1989 Regular Session (Acts 1989, p. 776), which levied a certain tax on tobacco and tobacco products in Jackson County, so as to provide further for such tax.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

### **BUDGET ISOLATION RESOLUTION**

Senator Owens, B.I.R., HB 751, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, and Owens -25

Nays: - 0

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

**H. 751.** Relating to Chilton County; authorizing the county

commission to levy in such county of an additional privilege or license tax, paralleling the state sales tax provided for in Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975; providing for the collection of such tax by the state department of revenue, and for the distribution and use of the proceeds thereof; providing for the enforcement of the act; providing penalties for violations of the act and providing for an election with respect to such tax.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, and Owens -25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Mitchem, B.I.R., HB 755, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, and Mitchem -25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**H. 755.** Relating to Marshall County, amending Act No. 82-206, H. 623, 1982 Regular Session, which establishes a civil service system for county employees, so as to remove certain employees from the provisions of the act.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, and Mitchem -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Hale, B.I.R., HB 776, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 776.** To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Denton, B.I.R., HB 791, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Denton, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, and Sanders  
-25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**H. 791.** Relating to Colbert County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; abolishing the offices of tax assessor and tax collector; repealing conflicting laws; and providing for a referendum thereon.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Denton, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, and Sanders  
-25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Sanders, B.I.R., HB 838, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Campbell, deGraffenried, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little,

Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner,  
Wilson, and Windom -25

Nays: - 0

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

**H. 838.** To amend Section 1 of Act No. 1378, page 2323, Acts of Alabama 1971, entitled "Relating to Hale County; fixing the fee for issuance of pistol permits by the sheriff and providing for disposition and use of such fees" so as to increase this fee.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Campbell, deGraffenried, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

### **BUDGET ISOLATION RESOLUTION**

Senator Dial, B.I.R., HB 859, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Dial, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

**H. 859.** Relating to Cherokee County; providing certain addi-

tional compensation for the poll workers to be paid from the county general fund.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Dial, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

### **BUDGET ISOLATION RESOLUTION**

Senator Dial, B.I.R., HB 860, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Dial, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

**H. 860.** Relating to Cherokee County; to provide for the merging of the budgetary operations of the Revenue Commissioner's office; to provide that the said office shall be financed on a pro rata share basis from proceeds of state, county and municipal ad valorem taxes collected in the county; to establish a separate county fund to receive the tax collections, to be named the revenue commissioner's operational fund; and to provide for supplemental effect.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Dial, Foshee, Ghee, Hale,

Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

### BUDGET ISOLATION RESOLUTION

Senator Hale, B.I.R., SB 546, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 546.** Relating to Cullman County; abolishing the office of constable and providing an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

### BUDGET ISOLATION RESOLUTION

Senator Hale, B.I.R., SB 547, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton,



Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Horn, Langford,  
Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons,  
Smith (B), and Smith (J) -25

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 547.** Pertaining to Madison County; to supplement the salaries of the judges of the district court of said county.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, SB 547, to-wit:

**SUBSTITUTE FOR SB 547**

**A B I L L  
T O B E E N T I T L E D  
A N A C T**

Pertaining to Madison County; to supplement the salaries of the judges of the district court of said county.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Effective October 1, 1991, the salaries of each judge of the district court of Madison County shall be supplemented by the governing body of the county in the amount of \$21,450.00. Said supplemented amount shall constitute the total county supplement paid to each district judge and shall be in lieu of any previous county supplement. This supplement shall be paid in the same manner and at the same frequency as supplements paid by the county to circuit court judges.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), and Smith (J) -25

Nays:

- 0

Senator Hale offered the following substitute for the Bill, SB 547, as amended by the substitute, to-wit:

**SUBSTITUTE FOR SB 547, AS AMENDED**

**A B I L L  
T O B E E N T I T L E D  
A N A C T**

Relating to Madison County; to supplement the salaries of the judges of district court of said county, subject to the approval of the Madison County Commission.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. The salaries of each judge of the district court of Madison County shall be supplemented by the governing body of the county in an amount equal to thirty percent (30%) of the salary paid said judges by the state. This supplement shall be paid in the same manner and at the same frequency as supplements paid by the county to circuit court judges.

Section 2. The supplement herein provided shall be payable upon the approval of the Madison County Commission.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, and upon its further approval by resolution of a majority vote of the Madison County commission.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), and Smith (J) -25

Nays:

- 0

And said Bill, SB 547, as amended by the substitute, was read a third time at length and passed and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), and Smith (J) -25

Nays:

- 0

### **BUDGET ISOLATION RESOLUTION**

Senator Hale, B.I.R., SB 548, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**S. 548.** Relating to Cullman County, providing for an advisory

referendum for the electors of the city of Cullman regarding the election of the members of the city board of education.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

#### BUDGET ISOLATION RESOLUTION

Senator Hale, B.I.R., SB 552, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

#### BILLS ON THIRD READING RESUMED

##### THE BILL:

**S. 552.** Relating to Cullman County; providing for a form for the probate judge to use for petitions or in referendum elections that will distinguish and identify signees and authorizing the probate judge to void any name that fails to include information requested to distinguish and identify the signee.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial,  
Dixon, Ellis, Figures, Floyd, Foshee, Hale, Little, Mitchell, Mitchem,  
Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner,  
Wilson, and Windom -25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., SB 568, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis,  
Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford,  
Lindsey, Lipscomb, Little, Mitchem, Parsons, Preuitt, Sanders,  
Smith (B), and Smith (J) -25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 568.** Providing for the maintenance of a public law library in DeKalb County through imposition of a certain library fee attached to certain court costs; providing for the management of such library; and providing for disposition of funds from such fees.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis,  
Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford,  
Lindsey, Lipscomb, Little, Mitchem, Parsons, Preuitt, Sanders,  
Smith (B), and Smith (J) -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Barron, B.I.R., SB 569, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Parsons, Preuit, Sanders, Smith (B), and Smith (J) -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 569.** To amend Section 7 of Act No. 444, H. 986 of the 1961 Regular Session (Acts 1961, p. 482), which provided further for the DeKalb County Commission, so as to provide further for meetings of such commission.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Parsons, Preuit, Sanders, Smith (B), and Smith (J) -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Barron, B.I.R., SB 570, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford,

Lindsey, Lipscomb, Little, Mitchem, Parsons, Preuitt, Sanders,  
Smith (B), and Smith (J) -25

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 570.** To repeal Act No. 144, H. 557 of the 1973 Regular Session (Acts 1973, p. 174), entitled "An Act Relating to DeKalb County; abolishing the position of county license inspector; placing the powers, duties and functions of said office in the sheriff of said county; providing for the disposition of fees accruing from the performance of the duties of license inspector and repealing conflicting laws."

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Parsons, Preuitt, Sanders, Smith (B), and Smith (J) -25

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Barron, B.I.R., SB 571, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Parsons, Preuitt, Sanders, Smith (B), and Smith (J) -25

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 571.** To amend Section 1 of Act No. 81-582, 1981 Regular

Session, (Acts 1981, p. 969), which fixes the fee for issuance of a pistol permit in DeKalb County, so as to provide further for such fee.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Parsons, Preuitt, Sanders, Smith (B), and Smith (J) -25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., SB 572, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Parsons, Preuitt, Sanders, Smith (B), and Smith (J) -25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 572.** Relating to DeKalb County; authorizing certain county officials to use mechanical or facsimile devices for signatures on warrants or checks drawn on the county treasury or depository.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis,



Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Parsons, Preuitt, Sanders, Smith (B), and Smith (J) -25

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Barron, B.I.R., SB 573, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Parsons, Preuitt, Sanders, Smith (B), and Smith (J) -25

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 573.** Relating to Dekalb County; authorizing and requiring the county commission to redefine the several county commission districts within the county decennially so that such redefined districts will reapportion the population in such districts within a prescribed tolerance; providing that the county commission shall preclear such reapportionment plans with the United States Department of Justice and providing that the county commission shall implement such precleared commission district reapportionment plan based on the 1990 decennial census no later than one year from the effective date of this act.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Parsons, Preuitt, Sanders, Smith (B), and Smith (J) -25

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Owens, B.I.R., SB 607, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, and Owens -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 607.** Relating to Chilton County; to provide that the probate judge shall provide for an additional method of ordering annual certificates of registration of boats by mail; to provide that the probate judge shall charge an additional fee to the boat owner for each such certificate issued by mail, and to provide for the disposition of such fees.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, and Owens -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Sanders, B.I.R., SB 647, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial,

Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, and Sanders -25

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 647.** To alter, rearrange and extend the boundary lines and corporate limits of the town of Mosses in Lowndes County.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, and Sanders -25

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Little, B.I.R., SB 657, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Little, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 657.** Relating to Tallapoosa County; providing for the mode of establishing the construction, maintenance and repair of public roads, highways, bridges and ferries under a modified county unit system;

authorizing and requiring the county commission to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county commission in relation to the roads, bridges and ferries of Tallapoosa County; and specifically repealing Act No. 88-121, H. 437, 1988 Regular Session.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Little, Preuit, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

#### BUDGET ISOLATION RESOLUTION

Senator Ghee, B.I.R., SB 580, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

#### BILLS ON THIRD READING RESUMED

##### THE BILL:

**S. 580.** Relating to Calhoun County; to relieve the judge of probate from charging a fee when celebrating the rites of matrimony; and to provide that any such fee when charged by the judge of probate may be retained by him.

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was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Lindsey, B.I.R., SB 583, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Lindsey, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 583.** Relating to Washington County; providing further for an expense allowance for members of the County Commission.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Lindsey, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Ellis, B.I.R., SB 662, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 662.** Relating to Bibb County; authorizing the levy in such county of an additional tax, paralleling the state sales tax provided for in article 1 of chapter 23 of Title 40 of the Code of Alabama 1975, as amended; providing for certain exemptions; providing for the collection of such tax by the state department of revenue, and for the distribution and use of the proceeds thereof; providing for the enforcement of the act; providing penalties for violations of the act; and providing for an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Owens, B.I.R., SB 664, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

**S. 664.** Relating to Bibb County; providing for the mode of construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Bibb County; prohibiting the performance of certain work on private property and providing civil fines for violations; and providing for this bill to become effective on October 1, 1991.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

### **BUDGET ISOLATION RESOLUTION**

Senator Ellis, B.I.R., SB 666, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 666.** Relating to the Eighteenth Judicial Circuit of Alabama; to amend Act No. 79-523, H. 426, 1979 Regular Session, so as to provide an increase in expense allowance for each official reporter within the said judicial circuit.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Ellis, B.I.R., SB 667, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0



**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 667.** Relating to Shelby County, amending Section 1 of Act No. 191, H. 525, 1971 Regular Session, which provides a special expense allowance of \$2,400.00 per annum for the presiding circuit judge of the Eighteenth Judicial Circuit above that of the other Circuit Judges, said allowance also being outside the current \$15,000.00 expense allowance for each Circuit Judge, so as to provide that such \$2,400.00 may be received by the presiding judge's confidential employee at his designation.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Foshee, B.I.R., SB 672, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 672.** Relating to the City of Opp in Covington County; authorizing an additional ad valorem tax to be used for the general

educational purposes and providing for a referendum.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Smith (J), B.I.R., SB 693, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Smith (B), and Smith (J) -25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 693.** Relating to Madison County; prescribing the salaries of the chairman and the members of the Madison County Commission and abolishing annual expense allowances.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt,

Smith (B), and Smith (J) -25

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Ellis, B.I.R., SB 668, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 668.** Relating to Bibb County; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing those procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Lipscomb, B.I.R., HB 495, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Owens, Wilson, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 495.** Relating to the Board of Education of Baldwin County; authorizing the board to expend public school funds to provide office supplies and equipment for use in the office of the Superintendent of Education.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Owens, Wilson, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Campbell, B.I.R., HB 955, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 955.** Providing for a board of education for the City of Decatur, Morgan County, Alabama to be elected by the qualified electors of said city; providing that the members of such board shall be elected from defined school districts; providing for the terms of office, qualifications and compensation of such members; prescribing procedures for electing such members and for filling vacancies on such board; providing for board representation for persons not residing within a specific school district; providing certain immunity for such board members; providing for financial audits of the records of such board and providing that this act shall become effective upon the ratification of an amendment to the Constitution of Alabama 1901, authorizing an elected school board for the City of Decatur.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Campbell, B.I.R, HB 956, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 956.** Proposing an amendment to the Constitution of

Alabama of 1901, providing for the election of the members of the board of education in the City of Decatur, Morgan County, Alabama.

was read a third time at length as required by the Constitution and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., HB 567, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), and Smith (J)  
-25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**H. 567.** Relating to Madison County; to provide for the election of the county superintendent of education at the expiration of the present tenure of office; to provide who may participate in said election; to provide for the election procedure; to provide for an interim appointment of the county superintendent of education in certain instances; to provide for the term of office and the method of filling vacancies; to provide for the qualifications and duties of said office and to provide for the compensation paid to the county superintendent of education.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), and Smith (J) -25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Hilliard, B.I.R., SB 427, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hilliard, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom -25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 427.** To amend Section 4.04 of Act No. 452, H. 974, 1955 Regular Session (Acts 1955, p. 1004), as amended, which provided for a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the 1970 federal decennial census, now defined by statute as Class 1 municipalities and applicable only to the City of Birmingham, so as to provide for the intent of this act; to provide upon the commencement of the next term of the office of mayor in 1991, and thereafter for the salary of such mayor for terms commencing in 1955 and thereafter, to make the mayor of such city ineligible to receive expense allowances as provided for in Section 11-43-86 of the Code of Alabama 1975, upon the commencement of such increased salary and to authorize reimbursement of actual expenses incurred by such mayor in the performance of such office.

was taken up.

Senator Hilliard offered the following substitute for the Bill, SB 427, to-wit:

**SUBSTITUTE FOR SB 427**

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Section 4.04 of Act No. 452, H. 974, 1955 Regular Session (Acts 1955, p. 1004), as amended, which provided for a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the 1970 federal decennial census, now defined by statute as Class 1 municipalities and applicable only to the City of Birmingham, so as to provide for the intent of this act; to provide upon the commencement of the next term of the office of mayor in 1991, and thereafter for the salary of such mayor for terms commencing in 1955 and thereafter, to make the mayor of such city ineligible to receive expense allowances as provided for in Section 11-43-86 of the Code of Alabama 1975, upon the commencement of such increased salary and to authorize reimbursement of actual expenses incurred by such mayor in the performance of such office.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. It is the intent of this act, effective upon the commencement of the next term of office in 1991, to increase the compensation of the mayor of Class 1 municipalities organized under the provisions of the Mayor-Council form of government by an amount equal to ten percent more than the highest paid merit system city employee. Such mayor will no longer be eligible to receive such expense allowance upon the commencement of payment of the 1991 increase in salary, but to authorize reimbursement of actual expenses incurred by such mayor in the performance of such office, and to provide for compensation for successive terms of said office commencing in 1991 and thereafter.

Section 2. Section 4.04 of Act No. 452, H. 974, 1955 Regular Session (Acts 1955, p. 1004), as amended, is hereby further amended to read as follows:

~~"4.04 Compensation--The Mayor shall receive an annual salary payable in monthly installments at the end of each month, said installments to be paid at the same rate for any portion of the month during which the Mayor shall hold the office at the rate hereinafter~~



~~provided. The annual salary which the Mayor shall receive shall be Sixty-Eight Thousand Dollars (\$68,000.00) annually. Effective at the commencement of the next term of the office of mayor in 1991, the salary of the mayor shall be increased from \$68,000 payable in monthly installments at the end of each month, said installments to be paid at the same rate for any portion of the month during which the mayor shall hold office. Effective with the term of office commencing in 1991, the salary of the mayor shall be ten percent (10%) more than the highest salary then in effect for any merit system employee of the city."~~

Section 3. Upon the commencement of the increased salary provided for by the amendment of said Section 4.04 in Section 2 hereof, the mayor of such Class 1 municipality shall cease to be eligible to receive the expense allowance of \$1,000 per month provided for by Section 11-43-86 of the Code of Alabama 1975; provided, however, such mayor shall be entitled to be reimbursed for actual expenses incurred in the performance of such office.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law, but shall not be applicable to the compensation of the mayor of any city affected hereby until the commencement of the next term of office of such mayor next following the date this act becomes effective.

Which was adopted.

Yeas 25 Nays 2

Yeas:

Senators:

Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Preuitt, Sanders, Smith (B), and Waggoner

-25

Nays:

Senators:

Amari and Parsons

- 2

And said Bill, SB 427, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 2

Yeas:

Senators:

Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Preuitt, Sanders, Smith (B), and Waggoner

-25

Nays:

Senators:

Amari and Parsons

- 2

**BUDGET ISOLATION RESOLUTION**

Senator Campbell, B.I.R., HB 676, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, and Sanders

-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 676.** Relating to Lawrence County, repealing Act No. 86-380, H. 725, 1986 Regular Session, which provides for the equalization of salaries of certain clerks employed in the offices of certain elected county officials.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford,

Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt,  
and Sanders -25

Nays: - 0

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 547.** Relating to Madison County; to supplement the salaries of the judges of district court of said county, subject to the approval of the Madison County Commission.

JIM PREUITT,  
Chairperson.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 622.** Relating to Mobile County; providing for the compensation and payment of additional salary for members of the county governing body, and further providing that all expense allowance shall be deemed to constitute salary compensation, effective upon the next term of office and upon the adoption of a resolution by the Mobile County Commission at an open public meeting.

JIM PREUITT,  
Chairperson.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 496.** To amend Sections 11-98-1, 11-98-2, 11-98-4, 11-98-5 and 11-98-6, Code of Alabama 1975, relating to emergency telephone service, so as to provide further for procedures relating to the creation of communications districts; to prescribe the corporate structure and organization of such districts, including their corporate powers; and to provide that such districts may receive certain property and make certain expenditures.

**JIM PREUITT,**  
Chairperson.

### **BUDGET ISOLATION RESOLUTION**

Senator Little, B.I.R., HB 680, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Little, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

**H. 680.** Relating to the City of Opelika; to provide that the City of Opelika shall not exercise police jurisdiction or taxing power in any county unless a part of its corporate limits also lies in the county.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Little, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Floyd, B.I.R., HB 738, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 738.** Relating to Etowah County; to provide that the probate judge shall provide for an additional method of ordering annual certificates of registration of boats by mail; to provide that the probate judge shall charge an additional \$2.00 to the boat owner for each such certificate issued by mail, and to provide for the disposition of such fees.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bolling, B.I.R., HB 747, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard,

Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**H. 747.** Relating to Winston County; levying additional costs and charges of court; providing said additional costs and charges of court shall be expended for the cost of constructing, financing, planning, equipping and operating a new judicial building and jail; providing that the provisions of this act shall only become operative if approved by a majority of electors at a referendum; and to provide for the manner of conducting said referendum.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

### BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 842, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Corbett, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Preuitt, Sanders, Waggoner, Wilson, and Windom -25

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 842.** Relating to the appointment of deputies in the sheriff's office of Russell County; providing for the manner of appointment and determination of number and the compensation; repealing Act No. 87-529, H. 994 of the 1987 Regular Session (Acts 1987, p. 803) which provides for additional deputies.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Corbett, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Preuit, Sanders, Waggoner, Wilson, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bolling, B.I.R., HB 862, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders, and Smith (B) -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 862.** To repeal Act No. 81-771, S. 666, 1981 Regular Session (Acts 1981, p. 1328), relating to forest fire protection in Franklin County.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, and Smith (B)

-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Campbell, B.I.R., HB 866, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 866.** To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

-25

Nays:

- 0



**BUDGET ISOLATION RESOLUTION**

Senator Ghee, B.I.R., HB 871, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 871.** To authorize the city council of the City of Anniston, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by the City of Anniston, on all taxable property situated within the City of Anniston, the special ad valorem tax for public school purposes which is authorized in Amendment No. 8 to the Constitution, to a maximum rate, for any tax year of the city, which is equal to \$2.43 on each one hundred dollars (24.3 mills on each dollar) of assessed value.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bolling, B.I.R., HB 886, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures,  
Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey,  
Lipscomb, Little, Mitchell, Owens, Smith (B), Smith (J), Waggoner,  
Wilson, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 886.** Relating to Lamar County, providing further for the distribution of certain funds to the Lamar County Water Authority and to rescue squads and certified fire departments.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures,  
Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey,  
Lipscomb, Little, Mitchell, Owens, Smith (B), Smith (J), Waggoner,  
Wilson, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Barron, B.I.R., HB 889, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis,  
Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford,  
Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt,  
and Sanders -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 889.** Relating to Jackson County; to amend Section 7 of Act

No. 89-265 enacted at the 1989 Regular Session of the Legislature of Alabama, so as to specifically authorize the Jackson County Water Authority to sell and issue bonds of the authority; to specify the use of proceeds of such bonds and the source of payment thereof; to make certain provisions with respect to the form, terms, denominations, tenor and maturities of such bonds, the interest thereon and the method and time of computing and paying such interest; to provide for the sale, execution and delivery of such bonds; to provide for liability on such bonds and security for the payment of principal thereof and interest thereon; and to make certain other provisions with respect to the borrowing of money and the issuance of bonds or other obligations by the authority.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, and Sanders  
-25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Dial, B.I.R., HB 931, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Dial, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**H. 931.** Relating to Cleburne County; to provide that the probate judge shall provide for an additional method of ordering annual

certificates of registration of boats by mail; to provide that the probate judge shall charge an additional fee to the boat owner for each such certificate issued by mail, and to provide for the disposition of such fees.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Dial, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 937, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, and Sanders  
-25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**H. 937.** Relating to Russell County; authorizing the county commission to increase the compensation for election officials who work at polling places.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, Ellis,

Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford,  
Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt,  
and Sanders -25

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Foshee, B.I.R., HB 939, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett,  
deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Mitchem,  
Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner,  
Wilson, and Windom -25

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 939.** To authorize the City of Florala in Covington County to  
construct, maintain and operate a cable television service.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett,  
deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Mitchem,  
Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner,  
Wilson, and Windom -25

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Ghee, B.I.R., HB 950, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Ghee, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 950.** Relating to Calhoun County; to amend Act No. 87-426, H. 775, 1987 Regular Session (Acts of Alabama, 1987, p. 636), which authorizes Calhoun County, to levy an annual license or privilege fee upon any business except for practicing the religious tenants of any church, so as to provide that if a business is conducted as certain entities in which more than one natural person is engaged as a lawyer, actuary, accountant, architect, doctor, dentist, osteopath, chiropractor, optometrist, oculist, or optician, then each natural person so engaged shall be treated as if such natural person were conducting a separate business and each such natural person shall pay a license or privilege fee, and so as to provide that one of the purposes of said act is to provide for local needs in Calhoun County, Alabama, not provided for by a general law.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, HB 950, to-wit:

**AMENDMENT TO HB 950**

Amend House Bill 950, page 1, line 16, by deleting the word "tenants" and inserting in lieu thereof "tenets"

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Ghee, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

And said Bill, HB 950, as thus amended, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Ghee, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Foshee, B.I.R., HB 957, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**H. 957.** Relating to the City of Andalusia in Covington County; authorizing the governing body to levy additional ad valorem taxes for the school system and for city operations and capital expenditures, either or both; and providing for a referendum to determine which, if either, tax shall be levied.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett,

deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

### BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 969, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**H. 969.** Relating to Barbour County; repealing Act No. 81-631, H. 946, 1981 Regular Session and Act No. 81-844, H. 947, 1981 Regular Session, which provide for assessments on forest lands for fire protection.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

### BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 936, adopted.



Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**H. 936.** Relating to Russell County; authorizing the county commission to increase the compensation for the members of the board of registrars.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Dial, B.I.R., HB 970, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, and Smith (B)  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 970.** Relating to Clay County; providing for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, and Smith (B) -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Foshee, B.I.R., HB 973, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 973.** Relating to Covington County; providing for the publication of an annual financial statement.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Figures, B.I.R., SB 674, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), and Windom -25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 674.** Relating to Mobile County; to provide an annual supplemental salary of \$7,500.00 to the revenue commissioner, effective October 1, 1991, which shall be provided in lieu of any local salary, expense allowance, per diem, or other compensation previously provided by local law to said official; and prorating such supplemental salary from various funds.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 1

Yeas:

Senators:

Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), and Waggoner -25

Nay: Senator Windom

- 1

**BUDGET ISOLATION RESOLUTION**

Senator Figures, B.I.R., SB 676, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial,  
Dixon, Figures, Foshee, Ghee, Hale, Hilliard, Horn, Langford,  
Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders,  
Smith (B), Smith (J), and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 676.** Relating to Mobile County; to provide an annual supplemental salary of \$7,500.00 to the license commissioner, effective upon the expiration of the current term of office, which shall be provided in lieu of any local salary, expense allowance, per diem, or other compensation previously provided by local law to said official; and prorating such supplemental salary from various funds.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 1

Yeas:

Senators:

Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial,  
Dixon, Figures, Foshee, Ghee, Hale, Hilliard, Horn, Langford,  
Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders,  
Smith (B), Smith (J), and Waggoner -25

Nay: Senator Windom

- 1

**BUDGET ISOLATION RESOLUTION**

Senator Bedsole, B.I.R., SB 684, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Corbett, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee,

Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 684.** Relating to Class 2 municipalities; to exempt such municipalities from the payment of any and all oil, gasoline and diesel fuel taxes of any nature whatsoever.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Corbett, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Mitchell requested and received permission to suspend the Rules in order to bring up the Bill, HB 330.

Senator Mitchell, B.I.R., HB 330, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, Dixon, Ellis, Floyd, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (J), Waggoner, and Windom -21

Nays: - 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 330.** To authorize the establishment of watershed management authorities; to express legislative intent; to define relevant terms; to specify the purposes of said authorities; to define the land which may be included in an authority; to provide the method for creating an authority; to provide for a hearing prior to creation; to create a board of directors to govern the authority and provide for the method of appointing or electing said board and their successors; to provide for the terms of office of board of directors members and the method of filling vacancies; to provide procedures for the operation of the board of directors; to provide for the reimbursement of expenses incurred by board members; to provide for the powers and duties of the board of directors; to authorize the issuance of bonds; to provide for the discontinuance of an authority and the assumption of assets; to provide for annual audits; to provide officers and employees of the authority shall be subject to the state code of ethics; to authorize full-time employees of the authority to join the employees' retirement system and receive health insurance and other benefits; to provide an authority shall be subject to competitive bid laws and to exempt an authority from certain taxes.

was taken up.

Senator Mitchell offered the following substitute for the Bill, HB 330, to-wit:

**SUBSTITUTE FOR HB 330****A B I L L  
T O B E E N T I T L E D  
A N A C T**

To authorize the establishment of watershed management authorities; to express legislative intent; to define relevant terms; to specify the purposes of said authorities; to define the land which may be included in an authority; to provide for the development of certain management guidelines; to provide the method for creating an authority; to provide for a hearing prior to creation; to create a board of directors to govern the authority and provide for the method of appointing or electing said board and their successors; to provide for the terms of office of board of directors members and the method of filling vacancies; to provide procedures for the operation of the board of directors; to provide for the reimbursement of expenses incurred by board members; to provide for the powers and duties of the board of directors; to authorize the issuance of bonds; to provide for the discontinuance of an authority

and the assumption of assets; to provide for annual audits; to provide officers and employees of the authority shall be subject to the state code of ethics; to authorize full-time employees of the authority to join the employees' retirement system and receive health insurance and other benefits; to provide an authority shall be subject to competitive bid laws and to exempt an authority from certain taxes.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Proper management of the watersheds of the state is necessary to insure the health, safety and welfare of our citizens. Improper land use and water use practices upon our watersheds have caused or contributed to and will continue to cause and contribute to critical flooding, erosion and pollution problems. Proper management of watersheds is necessary to provide an adequate supply of water for residential, agricultural and industrial uses, flood prevention and control, soil erosion prevention and control, agricultural and timber land protection, and wildlife habitat protection. The legislative intent of this act is to provide for the establishment of watershed management authorities, and to authorize said entities to protect and manage the watersheds of this state.

Section 2. For the purposes of this act, the following words and phrases shall have the meanings indicated unless the context clearly indicates a different meaning:

(1) **WATERSHED MANAGEMENT AUTHORITY.** A governmental subdivision of this state and a public body, corporate and politic, organized in accordance with the provisions of this act for the purposes, with the powers and subject to the restrictions set forth in this act.

(2) **DIRECTOR.** One of the members of the governing body of a watershed management authority.

(3) **AT LARGE DIRECTOR.** A director of a watershed management authority who may reside within any county that lies within the boundaries of the watershed management authority.

(4) **RESIDENT DIRECTOR.** A director of a watershed management authority who, pursuant to the requirements of this act, must reside in a particular county.

(5) **BOARD OF DIRECTORS.** The governing body of a watershed management authority.

(6) **BOARD OF SUPERVISORS.** The governing body of the soil and water conservation district in which a watershed management authority is situated or, if the watershed management authority is situated in more than one soil and water conservation district, the joint governing bodies of such districts.

(7) **DUE NOTICE.** Notice published at least twice, with an interval of at least seven days between the two publication dates, in a newspaper or other publication of general circulation within the appropriate area or, if no such publication of general circulation is available, by posting notice in at least three public places in each county lying in whole or in part within the designated area. At any hearing held pursuant to such notice, at the time and place designated in such notice, adjournment may be made from time to time without the necessity of renewing such notice for such adjourned dates.

(8) **SOIL AND WATER CONSERVATION DISTRICT.** A governmental subdivision of this state and a public body corporate and politic organized in accordance with the provisions of article 2 of Title 9 of the Code of Alabama 1975, for the purposes, with the powers and subject to the restrictions set forth in said article.

(9) **STATE.** The State of Alabama.

Section 3. Watershed management authorities may be formed in any watershed area of the state for the purpose of developing and executing plans and programs relating to any phase of conservation of water, water usage, flood prevention, flood control, water pollution control, wildlife habitat protection, agricultural and timberland protection, erosion prevention and control of erosion, floodwater and sediment damages.

Section 4. Any management guidelines developed by watershed management authorities to protect forested watersheds shall follow the best management practices established by the Alabama forestry commission as they pertain to forested watersheds.

Section 5. The land area embraced in any watershed management authority must encompass at least fifty (50) square miles, must be contiguous and must lie within a defined watershed. The area may include lands within any soil and water conservation district. Such authorities may embrace lands lying in one or more soil and water conservation districts. Two or more watersheds may be included in a watershed management authority. Provided, however, no land may be included in



more than one watershed management authority and provided further, that no lands or facilities which are subject to the licensing jurisdiction of the Federal Energy Regulatory Commission or the jurisdiction of the Alabama Public Service Commission to issue certificates of convenience and necessity shall be subject to the exercise of any powers or authorities granted herein.

Section 6. When 25 or more residents, who are 18 years of age or older, within each county located on a defined watershed desire to form a watershed management authority, said residents shall file a petition with the board of supervisors of the soil and water conservation district in which said proposed authority lies. Such petition shall define the boundaries of the proposed watershed management authority, the number of acres of land involved, reasons for requesting creation of such authority, the proposed name for such watershed management authority and other information pertinent to such proposal. The proposed name of a proposed watershed management authority shall not be the same as, or deceptively similar to, the name of any other watershed management authority. The proposed name shall include references to the geographic features of the area encompassing the watershed management authority.

Section 7. If the proposed watershed management authority lies in more than one soil and water conservation district, the petition shall be presented to the board of supervisors of all such soil and water conservation districts, and the supervisors of all such districts shall act as a joint board of supervisors in the formation of the watershed management authority.

Pursuant to the provisions of this act, whenever it is necessary for a joint board of supervisors to convene, said meeting may be called by a majority of the members of the several boards of supervisors comprising the joint board of supervisors.

A majority of the joint board of supervisors shall constitute a quorum. All actions taken by the joint board of supervisors shall require a majority vote of all members comprising the joint board of supervisors who are voting on said action.

Section 8. (a) Within 30 days after said petition has been filed with the board of supervisors, it shall cause due notice to be given of a proposed hearing upon the practicability and feasibility of creating said watershed management authority. All interested parties shall have the right to attend such hearing and be heard. If it shall appear at the hearing that other lands should be included or that lands included in the

petition should be excluded, the board of supervisors may permit such inclusion or exclusion, provided the land area involved still meets the requirements of Section 5.

(b) If it appears upon the hearing that it may be desirable to include within the proposed authority territory outside of the area within which due notice of the hearing has been given, the hearing shall be adjourned and due notice of a further hearing shall be given throughout the entire area considered for inclusion in the authority and a further hearing shall be held.

(c) If a majority of the board of supervisors after final hearing determines from the facts presented at the hearing and upon the available information that there is need in the interest of the public health, safety and welfare for such an authority to function in the territory considered, it shall make and record the determination and shall define, by description, the boundaries of the authority. Said territory shall constitute a watershed management authority. If a majority of the board of supervisors after final hearing determines need does not exist for the authority, it shall make and record said determination and shall deny the petition.

Section 9. If the board of supervisors determines the authority is needed, it shall determine the number of directors who shall comprise the board of directors of the watershed management authority. The board of directors of the watershed management authority shall include at least one resident from each county located within the boundaries of the authority. The board of supervisors of a soil and water conservation district in which is situated a county or a portion of a county that is in a watershed management authority, shall determine if the member of the original board of directors of the watershed management authority, who, pursuant to this act must reside in said county, shall be appointed or elected. For the purposes of this act said directors shall be referred to as "resident directors." The method of selection chosen shall be proclaimed by resolution. If the original member of the board of directors is to be elected, the director shall be elected as provided in Section 10. If the original director is to be appointed, the board of supervisors referred to in this paragraph, shall appoint the director by majority vote.

If the number of directors comprising the original board of directors exceeds the number of counties within the boundaries of the authority, after a director who is a resident of every county within the boundaries of the authority is either appointed or elected as provided herein, the remaining members of the original board of directors shall

be either elected or appointed as determined by the several boards of supervisors who approved the establishment of the watershed management authority acting as a joint board of supervisors. The method of selection chosen shall be proclaimed by resolution. For the purposes of this act, said directors shall be referred to as "at large directors." If said at large original director or directors are to be selected by means of an election, said director or directors shall be elected as provided in Section 10. If said at large original director or directors are to be appointed, the several boards of supervisors shall appoint said director or directors by majority vote.

The several boards of supervisors who approved the establishment of the watershed management authority shall by resolution designate and assign the terms of office of the original appointed and elected members of the board of directors, said terms shall be staggered and the terms shall be no greater than four (4) years nor less than two (2) years. Said appointed and elected members of the board of directors' term of office shall commence on the date the board of supervisors adopts said resolution. Those individuals appointed or those elected pursuant to Section 10, and their successors shall constitute the board of directors of the watershed management authority.

Vacancies on the board of directors occurring before the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the remaining members of the board of directors of the watershed management authority.

An oath as provided in Section 279 of the Constitution of Alabama of 1901, shall be administered to all board members prior to assuming office.

A director shall hold office until his successor is appointed or elected and assumes office.

Section 10. If an original director who is required to reside in a particular county is to be selected by means of an election, the board of supervisors who determined that an election would be the method of selection shall call the election. Said election shall be held, within thirty days after need for a watershed management authority has been determined, as provided in Section 8. Due notice shall be required prior to said election. All residents of the county where the director must reside who also reside within the boundaries of the authority shall be eligible to vote in said election, and only said residents shall be eligible to vote. Said residents shall be 18 years of age or older.

Each person who is qualified to vote for a resident director who desires to be elected a resident director of the watershed management authority shall file not later than ten days prior to the date set for an election a nominating petition with the board of supervisors who called the election. Said petition shall be signed by 25 or more residents who are eligible to vote in the election, or, if less than 50 residents are involved, a majority of such residents.

Due notice of the election shall state the date of holding the election, the hours of opening and closing the polls, and shall designate one or more places as polling places. The board of supervisors who called the election shall appoint a polling superintendent and other necessary polling officers. Said board of supervisors shall prepare a ballot displaying the names of all eligible candidates and shall instruct the voters how to vote. The ballots shall be counted by the election officers at the close of the polls and a report of the results, along with the ballots shall be delivered to the polling superintendent, who shall certify the results to the board of supervisors who called the election. The position on the original board of directors shall be filled by the candidate who received the most votes.

The board of supervisors who called the election, by resolution, shall officially declare the winning candidate. Said board of supervisors shall certify the results to the several boards of supervisors authorizing the establishment of the authority, the probate judges of the counties within the authority, the state soil and water conservation committee and the secretary of state. The board of supervisors calling the election shall have authority to promulgate all necessary rules and regulations concerning the holding of said election. Costs of the election provided for by this section shall be paid by said board of supervisors. Once established, the board of directors of the watershed management authority may reimburse the board of supervisors for the cost of the election.

If the original at large directors referred to in Section 9 are to be selected by means of an election, the several boards of supervisors who determined that an election would be the method of selection shall call the election. Said election shall be held within thirty days after need for a watershed management authority has been determined as provided in Section 8. Due notice shall be required prior to said election. All residents of the authority who are 18 years of age or older shall be eligible to vote in said election, and only said residents shall be eligible to vote.

Each person who is qualified to vote for an at large director who desires to be elected an original at large director of the watershed man-

agement authority shall file not later than ten days prior to the date set for an election a nominating petition with the board of supervisors who called the election. Said petition shall be signed by 25 or more residents within the watershed management authority who are eligible to vote in said election, or, if less than 50 residents are involved, a majority of such residents. If the candidates nominated do not exceed the positions available, said candidates shall be declared elected by the board of supervisors who called the election. If the number of individuals filing nominating petitions is greater than the number of available positions on the board of directors, then the election shall be held.

Due notice of the election shall state the date of holding the election, the hours of opening and closing the polls, and shall designate one or more places within the authority as polling places. The board of supervisors who called the election shall appoint a polling superintendent and other necessary polling officers. Said board of supervisors shall prepare a ballot displaying the names of all eligible candidates and shall instruct the voters regarding the number of candidates for which to vote. Ballots containing votes for less than the specified number of candidates for which an elector may vote shall be counted. Ballots containing votes for more than the specified number of candidates for which an elector may vote shall not be counted. The ballots shall be counted by the election officers at the close of the polls and a report of the results, along with the ballots shall be delivered to the polling superintendent, who shall certify the results to the board of supervisors. The original at large positions on the board of directors shall be filled by those candidates who received the most votes.

The board of supervisors who called the election, by resolution, shall officially declare the original at large members of the board of directors. Said board of supervisors shall certify the results to the probate judges of the counties within the authority, the state soil and water conservation committee and the secretary of state. Said board of supervisors shall have authority to promulgate all necessary rules and regulations concerning the holding of said election. Costs of the original at large director's election shall be paid by the board of supervisors. If a joint board of supervisors is required, the cost of the election shall be paid equally by the several boards of supervisors comprising the joint board of supervisors. Once established, the board of directors of the watershed management authority may reimburse the board of supervisors or the several boards of supervisors comprising the joint board of supervisors for the cost of the election.

Section 11. The successor of a director who must reside in a particular county shall be either elected or appointed. The method of

selection shall be determined by the board of supervisors who determined the method of selecting the incumbent director whose term is expiring. The method of selection chosen shall be proclaimed by resolution. The successor of a director who must reside in a particular county, shall be appointed or elected in the same manner as prescribed in Section 9 and Section 10 except as otherwise provided in this section.

The successor of an at large director shall be either elected or appointed. The method of selection shall be determined by the several boards of supervisors who determined the method of selecting the incumbent director whose term is expiring. The method of selection chosen shall be proclaimed the resolution. The successor of an at large director shall be appointed or elected in the same manner as prescribed in Section 9 and Section 10 except as otherwise provided in this section.

All successors shall be elected or appointed for terms of four years.

Elections shall be at least one month prior to the expiration of the term of office of the incumbent director whose term is expiring. The costs of elections shall be paid by the watershed management authority.

Section 12. (a) The board of directors of the watershed management authority shall annually elect from its membership a chairman, secretary and treasurer. The treasurer shall execute an official bond for the faithful performance of the duties of his office to be approved by the board of directors, except that no bond shall be required until such time as the authority possesses funds. Such bond shall be executed with at least three solvent personal sureties whose solvency must exceed the amount of the bond or by a surety company authorized to do business in this state and shall be in an amount determined by the board of directors. If the treasurer is required to execute a surety company bond, the premium on the bond shall be paid by the watershed management authority.

(b) A majority of the board of directors shall constitute a quorum, and the concurrence of a majority in any matter within their authority shall be required for its determination.

(c) The chairman of the board of directors shall give notice of all meetings and the agenda for each meeting at least ten days prior to the date of the meeting. In the absence of action by the board of directors regarding the agenda for a meeting, the chairman shall have the authority to set the agenda.

(d) The board of directors shall have the power to declare a position on the board of directors vacant if a board of directors member holding said position is repeatedly absent from meetings. Provided however, the board shall provide notice to said nonattending member prior to declaring the position vacant. A vacancy created pursuant to this subsection shall be filled in the same manner as other vacancies are filled.

(e) The board of directors shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations and orders issued or adopted.

Section 13. Members of the board of directors shall receive no salaries but may be reimbursed by the authority for actual and necessary expenditures incurred in the performance of their duties.

Section 14. The board of directors of a watershed management authority shall have power to:

(1) Acquire, by purchase, gift, grant, bequest or devise, or through condemnation proceedings held in the manner provided by chapter 1A of Title 18 of the Code of Alabama 1975, such lands or rights-of-way as are necessary for the exercise of any authorized function of the authority. Prior to commencing condemnation proceedings upon land or rights-of-way in the manner provided by chapter 1A of Title 18 of the Code of Alabama 1975, the board of directors of a watershed management authority shall conduct a public hearing regarding the commencement of said condemnation proceedings. The board of directors, prior to the public hearing shall publish notice of the public hearing at least twice, with an interval of at least seven days between the two publication dates, in a newspaper or other publication of general circulation within the county or counties where the land or right-of-way is situated. If no such publication of general circulation is available, notice shall be given by posting the notice in at least three public places in the county. The notice shall specify the land or right-of-way upon which a condemnation proceeding may be commenced and the date, time, location and purpose of the public hearing. All interested parties shall have the right to attend said public hearing and shall be granted an opportunity to address the board of directors regarding the commencement of condemnation proceedings. A vote of two-thirds of all the members of the board of directors of the watershed management authority shall be required to commence condemnation proceedings as provided herein;

(2) Construct, improve, operate and maintain such structures and projects as may be necessary for the exercise of any authorized function of the authority;

(3) Borrow such money as is necessary for the purpose of acquiring rights-of-way and establishing, constructing, reconstructing, repairing, enlarging and maintaining such structures and improvements as are required by the authority in the performance of its functions, and issue, negotiate and sell its bonds as provided in Section 15; provided that all contracts made and all bonds issued by a watershed management authority under the provisions of this act shall be solely and exclusively obligations of the authority and shall not be an obligation or debt of the State of Alabama or any county or municipality therein;

(4) Sell, lease or otherwise dispose of any of its property or interests therein in furtherance of the purposes provided for by this act;

(5) Make and execute contracts and other instruments necessary and convenient to the exercise of its powers;

(6) Sue and be sued in the name of the authority;

(7) Cooperate with or act as agent for the State of Alabama or any of its agencies or the United States or any of its agencies or any county or municipality in connection with the acquisition, construction, operation or administration of any project within the boundaries of the authority;

(8) Accept donations, gifts and contributions in money, services, materials or otherwise from the United States or its agencies or from the State of Alabama or its agencies or from any county or municipality or from any individual and use or expend such moneys, services, materials or other such contributions in carrying out the provisions of this act;

(9) Employ such employees as the board may determine and fix their compensation, qualifications and duties and delegate to the chairman of the board or any member or employee of the board such powers and duties as it may deem proper;

(10) Call upon the attorney general of the state for such legal services as it may require or employ its own counsel and legal staff;

(11) Have a seal, which seal shall be judicially noticed;



(12) Have perpetual succession unless terminated as provided in this act; and

(13) Cooperate with other watershed management authorities in the exercise of any and all powers conferred pursuant to the provisions of this act.

Section 15. Bonds authorized by Section 14 shall not be issued until proposed by order or resolution of the board of directors of the watershed management authority specifying the purpose for which the funds are to be used and the proposed undertaking, the amount of bonds to be issued and the rate of interest they are to bear and are approved by the director of the state department of finance. An authority, with such approval, shall have power and is authorized from time to time to issue its negotiable bonds. Said bonds may be issued in one or more series, may bear such date or dates, mature at such time or times not exceeding 40 years from their respective dates, bear interest at such rate or rates, payable in such manner, be in such denominations, be in such form, either coupon or registered, be executed in such manner, be payable in such medium of payment, at such place or places and be subject to such terms of redemption, with or without premium, be declared or become due before the maturity date thereof, as the authority's resolution or resolutions may provide. Said bonds may be issued for money or property at public or private sale for such price or prices as the board of directors shall determine. Said bonds may be repurchased by the authority out of any funds available for such purpose at a price not more than the principal amount thereof and accrued interest, and all bonds so repurchased shall be cancelled. Pending the preparation or execution of definitive bonds, interim receipts or certificates or temporary bonds may be delivered to the purchaser of said bonds. No bonds or other evidence of indebtedness of an authority shall be issued or sold until consent to the issuance and sale thereof shall have been given by the director of the department of finance. A petition requesting such consent shall be filed by such authority with the director of the department of finance. Such petition shall specify the plan or program of the authority and the uses to which it is proposed to put the proceeds of such issue and such other matters as are necessary fully to advise said director of the nature of the purpose, in furtherance of which such issue is proposed, and said petition shall include such other information as may be required by the rules of the department of finance. The director of the department of finance shall grant such consent only after he finds that such issue or sale serves some public need and is in the public interest. It shall be unlawful for the authority to use the proceeds of any such issue or sale contrary to the plan and purposes presented to the director of the department of finance in obtaining his consent thereto. The authority applying

for such consent is authorized to pay such fees as shall be lawfully assessed against it by the department of finance.

Section 16. (a) At any time, a watershed management authority's board of directors may file a petition with the secretary of state, the joint boards of supervisors who authorized the establishment of the authority and the state soil and water conservation committee praying that the existence of the authority be discontinued. The petition shall state the reasons for discontinuance.

(b) The examiners of public accounts shall specify as a part of said petition that all obligations of the authority can be properly satisfied by the use of the existing assets of the authority.

(c) If any watershed management authority petitions for discontinuance, the director of the state department of finance or his designee shall have the same powers regarding the watershed management authority's assets, liabilities and functions as the board of directors of said watershed management authority. The state shall not be required to assume any debts or liabilities of the authority.

(d) All assets, including but not limited to real property, personal property, equipment and supplies, acquired, appropriated to or received, shall be deemed property of the state.

Section 17. Every watershed management authority established under the authority of this act shall be subject to audits by the state examiners of public accounts.

Section 18. Officers and employees of a watershed management authority established pursuant to the provisions of this act shall be subject to the state ethics law. Members of the board of directors of a watershed management authority for the purposes of chapter 25 of Title 36 of the Code of Alabama 1975, shall be considered "public officials." Employees of a watershed management authority for the purposes of chapter 25 of Title 36 of the Code of Alabama 1975, shall be considered "public employees."

Section 19. (a) Any person who is regularly employed by a watershed management authority established pursuant to this act shall be deemed to be an "employee" of the State of Alabama, as defined in Section 36-27-1 of the Code of Alabama 1975. From the date he assumes his duties, any such person shall be deemed to be a "member" of the state employees' retirement system, as defined in Section 36-27-4,

Code of Alabama 1975; provided that the required contributions are made to the system.

(b) Any person employed by a watershed management authority shall become a member of the employees' retirement system as a condition of employment. Deductions for retirement purposes shall be made from the salary of each employee in the manner prescribed by law.

(c) The watershed management authority shall contribute on account of the participation of its employees the employer's contribution rate as established by the actuary for regular employees of the state.

The contribution rate so computed, based upon the payroll of the employees, shall be certified by the board of control of the employees' retirement system to the board of directors of the watershed management authority. The watershed management authority shall pay to the state treasurer the amount certified by the board of control and the state treasurer shall credit such amounts to the appropriate funds of the retirement system.

Section 20. (a) Full-time employees of a watershed management authority shall be included in the definitions of "employee" as provided in Section 36-29-1(1) of the Code of Alabama 1975, and shall be entitled to the same health insurance benefits and required to make the same contributions as other state employees. The watershed management authority is hereby authorized to pay the employer's share for said health insurance to the state employees' insurance board.

(b) Full-time employees of a watershed management authority shall be entitled to all benefits granted state employees.

Section 21. Every watershed management authority established pursuant to the provisions of this act shall be considered a state authority for the purposes of applying the provisions of chapter 16 of Title 41 of the Code of Alabama 1975, regarding competitive bidding on public contracts.

Section 22. The property and interests acquired by any watershed management authority organized under the provisions of this act shall be exempt from all state, county or other taxation.

Section 23. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 24. All laws or parts of laws which conflict with this act are hereby repealed.

Section 25. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Floyd, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (J), Waggoner, and Windom -26

Nays:

- 0

And said Bill, HB 330, as amended by the substitute, was read a third time at length and passed.

Yeas 23 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuit, Smith (J), and Waggoner -23

Nay: Senator Windom

- 1

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

### SR 144. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters for the twenty-sixth legislative day of the 1991 Regular Session only:

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<b>S. 432</b>	99
International Airport Authority estab., powers defined	
<b>S. 42</b>	221
Judicial retirement system, reopened for circuit judges to purchase credit for service as asst. dist. atty.	
<b>H. 101</b>	95
House committees membership limited to 15, repealed, Sec. 29-1-18 repealed	
<b>H. 389</b>	204
Legislative committee on reapportionment, membership at-large incr., Sec. 29-2-51 am'd.	
<b>H. 301</b>	234
Forever Wild Land Trust Land Trust estab., revenues from Alabama Trust Fund transferred, consti. amend.	
<b>S. 558</b>	203
Manufactured housing, mobile home anchoring further provided for, Secs. 24-5-31, 24-5-32, 24-5-33 am'd.	
<b>S. 559</b>	204
Manufactured Housing Commission, duties, comp., liability alt., Secs. 24-6-3, 24-6-4 am'd.	
<b>H. 294</b>	102
Worthless checks, charges incr., Secs. 8-8-15, 12-17-224, 13A-9-13.1, 13A-9-13.2 am'd.	
<b>H. 279</b>	167
Oil spills, civil immunity for certain person	
<b>H. 120</b>	102
Automobile dealers, licensing of alt., Secs. 40-1-33, 40-12-390, 40-12-391, 40-12-392, 40-12-394, 40-12-396, 40-12-398, 40-12-414 am'd.; Sec. 40-12-52 repealed	
<b>S. 56</b>	113
Alabama National Guard, ed. benefit for membs.	

<b>H. 664</b>	220
Securities Commission, fees incr., earmarked, approp. from Securities Commission Fund, Secs. 8-6-10, 8-6-11, 8-7-6 am'd.	
<b>S. 197</b>	118
Education, preschool special education services for children with disabilities, age 3 through 5 years	
<b>S. 409</b>	93
Rapid Rail Transit Commission, estab.	
<b>S. 477</b>	195
Corrections Institution Finance Authority, auth. issue add'l bonds, Sec. 14-2-12 am'd.	
<b>S. 359</b>	140
Public gas authority, public corp. estab., bd., bonds auth., providing gas for muns. with own gas distrib. system	
<b>S. 382</b>	89
Agriculture and Industries Dept., boll weevil eradication, supp. approp.	
<b>S. 687</b>	223
Employees' Retirement System, cert. elected co. officials auth. to withdraw from	
<b>H. 367</b>	161
State Industrial Development Authority, auth. to issue bonds for site preparation for cert. business	
<b>H. 265</b>	216
State capitol, occupants req. pay rent, Sec. 41-4-17 am'd.	
<b>S. 318</b>	79
Probate judges, cert. auth. to participate in st. employees' health ins. plan	
<b>H. 266</b>	217
Highway dept., contingency fund repayment transferred funds reg. Act 86-645 1st Sp. Sess. 1986 am'd.	
<b>H. 787</b>	207
Secured transactions, filing of financial statements, time of alt., Sec. 7-9-403 am'd.	

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<b>H. 267</b>	218
Capitol Complex Maintenance and Repair Fund of Finance Dept., transfer of cert. funds from to gen. fund eliminated, Act 90-764, Reg. Sess. 1990 am'd.	
<b>H. 477</b>	110
State agencies, electronic transfer of funds, auth.	
<b>S. 465</b>	112
Child support, withholding orders, remittance of further provided for, Secs. 30-3-61, 30-3-62, 30-3-94, am'd.	
<b>S. 466</b>	112
Human Resources Dept., child support, investigations and distrib. of collections further provided, penalties, Secs. 38-10-9, 38-10-12 am'd.	
<b>H. 356</b>	124
Employees in regional and local legislative delegation offices, auth. to participate in employees' retirement system	
<b>H. 146</b>	8
Motor vehicles, leases of, further reg.	
<b>S. 78</b>	2
Insurance, liability rate reduced for drivers 55 or older who complete auto safety course	
<b>H. 80</b>	215
Private clubs that practice discrimination, st. tax exemptions and deductions denied	
<b>S. 55</b>	5
Volunteer Service Act, volunteers serving a nonprofit organization, corporation or governmental entity, granted immunity from civil liability	
<b>S. 587</b>	233
Fireworks, bottle rockets prohib., Sec. 8-17-217 am'd.	
<b>H. 280</b>	218
General contractors, license fees incr.	
<b>S. 392</b>	69
Neonatal testing for mental retardation estab., st. bd. of health to admin., Sec. 22-20-3 am'd.	

<b>S. 306</b>	62
Limited partnerships, auth. to merge with corporations and other partnerships	
<b>S. 400</b>	135
Housing, selling, purchasing, financing of, discrimination prohib., penalties	
<b>S. 497</b>	101
State property, inventory of alt., Secs. 36-16-8, 41-1-6 am'd.	
<b>S. 160</b>	125
Judicial retirement system, cert. dist. judges, retirement benefits incr.	
<b>S. 537</b>	162
Pharmacists, auth. to refill cert. drugs without authorization from physicians	
<b>S. 19</b>	193
Community Corrections Plan, alternative to incarceration, non-violent felony offenders	
<b>H. 408</b>	208
Insurance, mutual aid associations. auth. calculation of reserve liabilities for all policies issued, methodology used to calculate, limitations, Sec. 27-30-34 am'd.	
<b>S. 646</b>	228
County commissions, auth. to contract to build and operate private prisons	
<b>S. 300</b>	68
Probate judge, auth. to consolidate record files into one record book	
<b>H. 325</b>	145
District attys., employees exempt from st. merit system, Secs. 12-17-220, 36-26-10 am'd.	
<b>S. 443</b>	128
Child abuse, crim. procedure for cert. orders of restraint and prohibitions by juvenile cts., contempt proceedings against violators	



<b>S. 371</b>	83
Prisons, any law which results in net incr. in period of imprisonment must have approp. to fund incr. operating costs or said law is null and void, procedure	
<b>S. 464</b>	212
Employees Retirement System, credit for judicial service auth.	
<b>S. 507</b>	81
Revenue Dept., industrial development bonds and medical bds., fee levied, record keeping requirements, distrib. of proceeds, penalties, Treasurer's Small Business Economic Development Fund estab.	
<b>H. 506</b>	232
Low income housing, homeless shelters, muns. auth. to provide, bonds auth.	
<b>S. 351</b>	86
Statute of limitations, tolling of, alt. for cert. prisoners, Sec. 6-2-8 am'd.	

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 120. COMMENDING BEA VOLKMAN OF MOBILE FOR OUTSTANDING CONTRIBUTIONS TO PUBLIC EDUCATION AND TO THE COMMUNITY.**

GREG PAPPAS,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

**H. 674.** Relating to Lawrence County; providing for the county commission to reimburse the offices of the tax collector, tax assessor, revenue commissioner, license commissioner and the probate judge for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that such funds shall be payable from the general fund of the county.

Also:

**H. 722.** Relating to Lowndes County; providing further for the compensation of the county coroner and repealing Act No. 620, H. 795, 1967 Regular Session, as amended, and Act No. 515, H. 1135, 1965 Regular Session, as amended.

Also:

**H. 675.** Relating to Lawrence County, to provide for the assessment and collection of an additional court charge on each district and circuit court case filed and to provide for the distribution of the proceeds of said additional charge to the historical commission.

Also:

**H. 723.** Relating to Lowndes County; authorizing the county commission to levy additional sales and use taxes paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 40-23-4, 40-23-60, 40-23-61, 40-23-62 and 40-23-63 of the Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; and prescribing penalties and fixing punishment for violation of this act.

Also:

**H. 731.** Relating to Limestone County; so as to further provide for an additional expense allowance and expiration date therefor and the coroner and deputy coroner's compensation, in the next term of office

for coroner and deputy coroner and to authorize the coroner and deputy coroner to use their compensation to employ an assistant as needed.

Also:

**H. 732.** Relating to Limestone County; so as to further provide for an additional expense allowance and expiration date therefor and the chairman and members of the county commission compensation, in the next term of office, and to provide for retroactive effect.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill your signature thereto is requested.

**H. 834.** Relating to Fayette County; to designate and fix the boundaries of an area in Fayette County to be known as The Tom Bevill Reservoir Management Area; to provide for and authorize the incorporation of a public corporation as a political subdivision of the state to be named The Tom Bevill Reservoir Management Area Authority for the development of that portion of North River in Fayette County and within the boundaries of The Tom Bevill Reservoir Management Area as created and defined by this act, its tributaries and watershed area, for the purposes of water conservation and supply, dam construction and reservoir development, for industrial development, flood control, navigation, irrigation, public recreation and related purposes; to provide for the

composition of the board of directors of the authority; to specify the powers and duties of the authority and its board of directors; to authorize the authority to investigate the resources of The Tom Beville Reservoir Management Area, to determine and implement the requirements for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective; to authorize the authority to acquire land and interests in land by purchase, construction, lease, condemnation or otherwise, and to hold, manage and sell such land and interests therein; to make provisions respecting the establishment and revision of rates, fees and charges for services rendered by the authority; to provide for the issuance by the authority for any of its corporate purposes of interest-bearing revenue bonds and notes payable solely out of the revenues of the authority or out of the revenues of any particular facilities and other property of the authority, without regard to the specific facilities and other property with respect to which such bonds and notes may have been issued; to provide that such bonds and notes shall constitute negotiable instruments; to provide that such bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the authority for the proper application of its revenues and the proceeds of such bonds and notes and by a nonforeclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which such bonds and notes are payable, and to provide that bonds and notes of the authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by the authority of obligations respecting facilities and other property acquired by the authority; to provide for the use of the proceeds of bonds and notes issued by the authority; to provide for the refunding by the issuance of bonds and notes of the authority, of bonds and notes theretofore issued or obligations theretofore assumed by it; to provide that bonds and notes issued and contracts entered into by the authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or other political subdivision of the state; to authorize the Fayette County commission and the municipalities located therein to contribute money to the authority, without the necessity of an election and with or without consideration therefor; to exempt from all taxation in this state, the authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the authority is a party, and to exempt the authority from payment of certain charges to judges of probate; to grant to the authority the power to levy and collect within the boundaries of the management area certain excise taxes, sales taxes, and ad valorem taxes; to provide that the authority shall have zoning power within the

boundaries of the management area; to provide that the authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; to provide for the use of public roads in the state by the authority; and to provide for certain annual reports by the authority.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 833.** To propose an amendment to the Constitution of Alabama of 1901 to authorize in Fayette County the incorporation of The Tom Bevill Reservoir Management Area Authority for the purposes of water conservation and supply, dam construction and reservoir development, for industrial development, flood control, navigation, irrigation, public recreation and related purposes.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House

Bills, your signature thereto is requested.

**H. 620.** Relating to Franklin County; to amend section 1 of Act No. 85-685, H. 1062, Regular Session 1985 (Acts 1985, p. 1099) relating to the disposition of revenues from fees assessed on transactions of the tax assessor; so as to provide that certain funds currently allocated for a county legislative office be deposited in the county general fund.

Also:

**H. 663.** Relating to Marengo County; repealing Act No. 85-467, H. 715, 1985 Regular Session, which provides for an assessment on forest lands for fire protection.

GREG PAPPAS,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

**H. 679.** Relating to Lee County, to impose a fee on the rental of video cassettes; to provide for the method of reporting and paying the fee; to provide for a fee for the county tax collecting official for the collection of same; and to provide for penalties for failure to pay.

Also:

**H. 725.** Relating to Pickens County; providing that the Pickens County Commission may establish and adopt voting centers by resolution.

Also:

**H. 754.** Relating to Washington County; providing further for an expense allowance for members of the County Commission.

Also:

**H. 169.** Relating to the City of Mobile, to amend Act Number 31 of the Alabama Legislature, Second Special Session 1975, adopted March 10, 1975, and any amendments thereto, which relates to the incorporation in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census of an authority as a public corporation for the purpose of providing public transportation service in such county and the compensation of directors of any such authority.

Also:

**H. 777.** To amend Section 1 of Act No. 256, S. 392 of the 1973 Regular Session (Acts 1973, p. 289), entitled "An Act To provide for an additional expense allowance for the members of the Monroe County Board of Registrars," so as to provide further for such expense allowance retroactive to October 1, 1985; and to specifically repeal Act No. 90-628, H. 886, 1990 Regular Session (Acts 1990, p. 1148).

Also:

**H. 856.** Relating to Mobile County; changing the name of Mobile County High School.

GREG PAPPAS,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

**H. 576.** Relating to Colbert County and particular portions thereof, to provide further for fire protection, to levy a fire protection service fee on certain owners of dwellings, to provide for certain exemptions, to provide for the collection of said fee, to provide for the distribution of funds derived from said fee to volunteer fire departments, to provide for the expending and accounting of said funds, to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department, to provide that the county shall be immune from certain liability, and to provide that the operation of the act is conditioned on approval of certain electors at an election.

Also:

**H. 746.** To repeal Act No. 81-446, H. 679, 1981 Regular Session, entitled, "An Act Relating to Mobile County; to provide further for the compensation of election employees and officers," to repeal Act No. 85-694, H. 954, 1985 Regular Session, and to provide further for the compensation of election employees and officers.

Also:

**H. 846.** Relating to the City of Prichard, Mobile County, and the pension and retirement fund for such city; amending further SECTION XII of Act No. 235, H. 290, 1963 Regular Session, as last amended, relating to the payment eligibility and the formula therefor of certain retirees, so as to provide for such eligibility.

Also:

**H. 577.** To alter, rearrange and extend the boundary lines and corporate limits of the Town of Wedowee in Randolph County, so as to include the industrial park.

Also:

**H. 669.** Relating to Perry County; repealing Act No. 80-492, H. 1040, 1980 Regular Session, as amended, which provides for an assessment on forest lands for fire protection.

Also:

**H. 670.** Relating to Bibb County; repealing Act No. 772, H. 1708, 1973 Regular Session, which provides for an assessment on forest lands for fire protection.



Also:

**H. 716.** Relating to Chambers County; amending Act No. 475, H. 304, 1973 Regular Session, which established the county commission, so as to provide further for the meetings of the county commission.

Also:

**H. 717.** Relating to Chambers County; amending Act No. 81-466, H. 974 of the 1981 Regular Session (Acts 1981, p. 816), providing for the mileage allowance of the county coroner, so as to make a monthly payment in lieu of such mileage payable from the county general fund.

Also:

**H. 719.** Relating to Cleburne County; repealing Act No. 81-139, H. 576, 1981 Regular Session, as amended, which provides for an assessment on forest lands for fire protection.

Also:

**H. 728.** To amend Section 1 of Act No. 89-397, H. 673 of the 1989 Regular Session (Acts 1989, p. 776), which levied a certain tax on tobacco and tobacco products in Jackson County, so as to provide further for such tax.

Also:

**H. 751.** Relating to Chilton County; authorizing the county commission to levy in such county of an additional privilege or license tax, paralleling the state sales tax provided for in Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975; providing for the collection of such tax by the state department of revenue, and for the distribution and use of the proceeds thereof; providing for the enforcement of the act; providing penalties for violations of the act and providing for an election with respect to such tax.

Also:

**H. 755.** Relating to Marshall County, amending Act No. 82-206, H. 623, 1982 Regular Session, which establishes a civil service

system for county employees, so as to remove certain employees from the provisions of the act.

Also:

**H. 791.** Relating to Colbert County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; abolishing the offices of tax assessor and tax collector; repealing conflicting laws; and providing for a referendum thereon.

Also:

**H. 838.** To amend Section 1 of Act No. 1378, page 2323, Acts of Alabama 1971, entitled "Relating to Hale County; fixing the fee for issuance of pistol permits by the sheriff and providing for disposition and use of such fees" so as to increase this fee.

Also:

**H. 776.** To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

Also:

**H. 859.** Relating to Cherokee County; providing certain additional compensation for the poll workers to be paid from the county general fund.

Also:

**H. 860.** Relating to Cherokee County; to provide for the merging of the budgetary operations of the Revenue Commissioner's office; to provide that the said office shall be financed on a pro rata share basis from proceeds of state, county and municipal ad valorem taxes collected in the county; to establish a separate county fund to receive the tax collections, to be named the revenue commissioner's operational fund; and to provide for supplemental effect.

GREG PAPPAS,  
Clerk.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 956.** Proposing an amendment to the Constitution of Alabama of 1901, providing for the election of the members of the board of education in the City of Decatur, Morgan County, Alabama.

GREG PAPPAS,  
Clerk.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

**H. 495.** Relating to the Board of Education of Baldwin County; authorizing the board to expend public school funds to provide office supplies and equipment for use in the office of the Superintendent of Education.

Also:

**H. 567.** Relating to Madison County; to provide for the election of the county superintendent of education at the expiration of the present tenure of office; to provide who may participate in said election; to provide for the election procedure; to provide for an interim appointment of the county superintendent of education in certain instances; to provide for the term of office and the method of filling vacancies; to provide for the qualifications and duties of said office and to provide for the compensation paid to the county superintendent of education.

Also:

**H. 676.** Relating to Lawrence County, repealing Act No. 86-380, H. 725, 1986 Regular Session, which provides for the equalization of salaries of certain clerks employed in the offices of certain elected county officials.

Also:

**H. 955.** Providing for a board of education for the City of Decatur, Morgan County, Alabama to be elected by the qualified electors of said city; providing that the members of such board shall be elected from defined school districts; providing for the terms of office, qualifications and compensation of such members; prescribing procedures for electing such members and for filling vacancies on such board; providing for board representation for persons not residing within a specific school district; providing certain immunity for such board members; providing for financial audits of the records of such board and providing that this act shall become effective upon the ratification of an amendment to the Constitution of Alabama 1901, authorizing an elected school board for the City of Decatur.

GREG PAPPAS,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 307. COMMENDING THE OPELIKA HIGH SCHOOL BOYS TENNIS TEAM FOR OUTSTANDING ACHIEVEMENT.**

GREG PAPPAS,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 72.** To provide for the "Alabama Safety Belt Use Act of 1991"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

GREG PAPPAS,  
Clerk.

**SIGNING OF BILLS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing

Message from the House.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**S. 321.** To amend Sections 4-3-41, 4-3-45, 4-3-47 and 4-3-59, Code of Alabama 1975, which relate to airport authorities, so as to provide for the reincorporation of existing airport authorities; to empower airport authorities to sell, exchange or grant options to buy or sell property; to expand the right of airport authorities to provide goods and services; to empower airport authorities to levy passenger facility charges and access fees; to expand the types of deposits or obligations in which an airport authority might invest funds; to expand the police powers of airport authorities, and to provide further for court jurisdiction; to provide that airport authorities can engage in certain financing; to enable airport authorities to assess and collect fines from any person, firm or corporation occupying or utilizing the airport or airport facilities in the event such party is the cause of fines or penalties being levied against the airport authority; and to exempt the airport authority from liability for the payment of deed recording fees and roll-back taxes.

JIM PREUITT,  
Chairperson.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

### FURTHER CONSIDERATION OF SR 144

The Senate proceeded to further consideration of the Resolution, SR 144.

On motion of Senator Preuitt, the Resolution was adopted by the Senate.

**SPECIAL ORDER**

**BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill, SB 432.

**BUDGET ISOLATION RESOLUTION**

Senator Dixon, B.I.R., SB 432, adopted.

Yeas 20 Nays 2

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Denton, Dixon, Ellis, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuit, and Waggoner  
-20

Nays:

Senators:

Bedsole and Windom

- 2

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 432.** To provide for the organization of a public corporation to be known as the Alabama International Airport Authority; to provide for the appointment of the members of the authority; to designate the officers and members of the board of directors; to provide that the state treasurer shall be custodian of the funds of the authority; to prescribe the powers of the authority including the power of eminent domain, the power to assess and collect fines, the power to appoint police officers, and the power to issue bonds or notes and to use the proceeds for any of its corporate purposes; to provide that such bonds or notes may be payable from one or more specified sources; to provide for the form of such bonds; to authorize the authority to issue refunding bonds; to provide that bonds issued or contracts entered into by the authority shall not create a debt or obligation of the state or any of its subdivisions unless so provided by amendment to the state constitution; to provide for the publication of notice of any resolution by the authority for the issuance of bonds and specifying a time after such publication in which

actions and defenses may be asserted against said bonds; to provide that the authority may accept and expend federal, state, county, municipal, or other moneys made available to it to accomplish its corporate purposes; to provide that no civil action shall be brought or maintained against the authority or any of its directors for the negligence of the authority, its directors, or any of its agents, servants or employees; to provide that any political subdivision, public corporation, or instrumentality of the state may aid and cooperate with the authority; to provide that the bonds of the authority shall be legal investments for the state, all public officers, municipal corporations, political subdivisions, public corporations, public bodies, financial institutions, insurance companies and fiduciaries; to exempt the authority, its bonds, its income and its property from all state, county and municipal taxation; to exempt the authority from all laws from which airport authorities organized pursuant to article 2 of chapter 3 of title 4, Code of Alabama 1975, are exempt; to provide the authority with zoning powers; to provide conditions on the annexation of the authority's airports, airport facilities, other facilities and properties; to provide for the sale and distribution of alcoholic beverages and the regulation and control thereof within the authority's airports, airport facilities and other facilities; to provide that authority employees shall participate in the state employees' retirement system; to provide for the disposal of lost money or property found on authority property; to provide for the regulation of parking on authority property; and to provide for the dissolution of the authority.

was taken up.

Senator Dixon offered the following substitute for the Bill, SB 432, to-wit:

### **SUBSTITUTE FOR SB 432**

#### **A B I L L T O B E E N T I T L E D A N A C T**

To provide for the organization of a public corporation to be known as the Alabama International Airport Authority; to provide for the appointment of the members of the authority; to designate the officers and members of the board of directors; to provide that the state treasurer shall be custodian of the funds of the authority; to prescribe the powers of the authority including the power of eminent domain, the power to assess and collect fines, the power to appoint police officers, and the power to issue bonds or notes and to use the proceeds for any of its



corporate purposes; to provide that such bonds or notes may be payable from one or more specified sources; to provide for the form of such bonds; to authorize the authority to issue refunding bonds; to provide that bonds issued or contracts entered into by the authority shall not create a debt or obligation of the state or any of its subdivisions unless so provided by amendment to the state constitution; to provide for the publication of notice of any resolution by the authority for the issuance of bonds and specifying a time after such publication in which actions and defenses may be asserted against said bonds; to provide that the authority may accept and expend federal, state, county, municipal, or other moneys made available to it to accomplish its corporate purposes; to provide that no civil action shall be brought or maintained against the authority or any of its directors for the negligence of the authority, its directors, or any of its agents, servants or employees and to provide for exceptions; to provide that any political subdivision, public corporation, or instrumentality of the state may aid and cooperate with the authority; to provide that the bonds of the authority shall be legal investments for the state, all public officers, municipal corporations, political subdivisions, public corporations, public bodies, financial institutions, insurance companies and fiduciaries; to exempt the authority, its bonds, its income and its property from all state, county and municipal taxation; to exempt the authority from all laws from which airport authorities organized pursuant to article 2 of chapter 3 of Title 4, Code of Alabama 1975, are exempt; to provide the authority with zoning powers; to provide conditions on the annexation of the authority's airports, airport facilities, other facilities and properties; to provide for the sale and distribution of alcoholic beverages and the regulation and control thereof within the authority's airports, airport facilities and other facilities and to provide to whom the airport liquor license shall be granted; to provide that authority employees shall participate in the state employees' retirement system; to provide for the disposal of lost money or property found on authority property; to provide for the regulation of parking on authority property; to provide for the dissolution of the authority; and to create a Legislative Oversight Committee.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. When used in this act, unless the context plainly indicates otherwise, the present tense shall include the future tense, the singular shall include the plural, the plural shall include the singular and the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (1) **AIRCRAFT.** Any contrivance now known or hereafter

invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance designed for use primarily as safety equipment.

(2) **AIRPORT.** Any area of land or water which is used, or intended for use, for the landing, take-off, storage, parking or dispersal of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings, facilities or rights-of-way, together with all airport buildings, structures and facilities located thereon.

(3) **AIRPORT BUILDING.** Any building used or to be used in connection with the construction, enlargement, development, maintenance or operation of an airport or heliport or in connection with the exercise of any power of the authority.

(4) **AIRPORT FACILITY.** Any building, structure, land, right-of-way, equipment or instrumentality used or to be used in connection with the construction, enlargement, development, maintenance or operation of an airport or heliport or in connection with the exercise of any power of the authority.

(5) **AIR NAVIGATION FACILITY.** Any facility used in, available for use in, or designed for use in aid of, air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking-off, navigation and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

(6) **AUTHORITY.** The public corporation organized pursuant to the provisions of this act.

(7) **BOARD.** The board of directors of the authority.

(8) **BOND.** Any bond authorized to be issued pursuant to the provisions of this act.

(9) **COUNTY.** Any of the 67 counties of the state.

(10) **DIRECTOR.** A member of the board of directors of the authority.

(11) **FAA.** The Federal Aviation Administration.

(12) **GOVERNMENT SECURITIES.** Any bonds or other

obligations which as to principal and interest constitute direct obligations of, or are unconditionally guaranteed by, the United States of America, including obligations of any federal agency to the extent such obligations are unconditionally guaranteed by the United States of America and any certificates or any other evidences of an ownership interest in such obligations of, or unconditionally guaranteed by, the United States of America or in specified portions thereof (which may consist of the principal thereof or the interest thereon).

(13) **HELIPORT.** An airport designed primarily for use by helicopters.

(14) **INDENTURE.** A mortgage, an indenture of mortgage, deed of trust, trust agreement or trust indenture executed by the authority as security for bonds.

(15) **MUNICIPALITY.** Any of the incorporated municipal corporations of the state, whether classified as city or town.

(16) **OTHER FACILITY.** Any land, right in land, building, structure, machinery, equipment or facility useful for or in connection with any type of transportation system, project, service or facility, or any housing or residential project or facility, or any educational project or facility, or any stadium, coliseum, fair ground, exhibition or athletic building or any other recreational facility, or any one or more or all of the foregoing.

(17) **PERMITTED INVESTMENTS.**

a. Government securities;

b. Bonds, debentures, notes or other evidences of indebtedness issued by any of the following agencies: Bank for Cooperatives, Federal Intermediate Credit Banks, Federal Financing Bank, Federal Home Loan Banks, Federal Farm Credit Bank, Export-Import Bank of the United States, Federal Land Banks, Farmers Home Administration or any other agency or corporation which has been or may hereafter be created by or pursuant to an act of the Congress of the United States as an agency or instrumentality thereof;

c. Bonds, notes, pass through securities or other evidences of indebtedness of Government National Mortgage Association and participation certificates of Federal Home Loan Mortgage Corporation;

d. Full faith and credit obligations of any state, provided that at

the time of purchase such obligations are rated at least "AA" by Standard & Poor's Corporation and at least "Aa" by Moody's Investors Service;

e. Public housing bonds issued by public agencies or municipalities and fully secured as to the payment of both principal and interest by contracts with the United States of America, or temporary notes, preliminary notes or project notes issued by public agencies or municipalities, in each case fully secured as to the payment of both principal and interest by a requisition or payment agreement with the United States of America;

f. Time deposits evidenced by certificates of deposit issued by banks or savings and loan associations which are members of the Federal Deposit Insurance Corporation, provided that, to the extent such time deposits are not covered by federal deposit insurance, such time deposits (including interest thereon) are fully secured by a pledge of obligations described in paragraphs a, b, c, and e above, which at all times have a market value (exclusive of accrued interest) not less than the amount of such bank time deposits required to be so secured and which meet the greater of 100% collateralization or the "AA" collateral levels established by Standard & Poor's Corporation for structured financings;

g. Repurchase agreements for obligations of the type specified in paragraphs a, b, c, and e above, provided such repurchase agreements are fully collateralized and secured by such obligations which have a market value (exclusive of accrued interest) at least equal to the purchase price of such repurchase agreements, which are held by a depository satisfactory to the State Treasurer in such manner as may be required to provide a perfected security interest in such obligations, and which meet the greater of 100% collateralization or the "AA" collateral levels established by Standard & Poor's Corporation for structured financings; and

h. Uncollateralized investment agreements with, or certificates of deposit issued by, banks or bank holding companies, the senior long-term securities of which are rated at least "AA" by Standard & Poor's Corporation and at least "Aa" by Moody's Investors Service.

i. S.E.C. registered, open-ended mutual funds whose portfolios consist of securities or obligations of the type specified in clauses a, b, c, d, e, and f above, provided that no sales load charge may be added to the purchase price or deducted from the redemption price of such mutual funds.

(18) STATE. The state of Alabama.

Section 2. Any nine individual citizens of the state selected for such purpose pursuant to this section may become a public corporation with the powers hereinafter provided by proceeding according to the provisions of Section 3 of this act. The nine individual citizens shall be selected as follows:

- (1) Three shall be appointed by the governor;
- (2) One shall be appointed by the lieutenant governor;
- (3) One shall be appointed by the speaker of the house of representatives;
- (4) One shall be appointed by the Mayor of the City of Birmingham from the members of the board of directors of the Birmingham Airport Authority;
- (5) One shall be appointed by the Mayor of the City of Mobile from the members of the board of directors of the Mobile Airport Authority;
- (6) One shall be appointed by the Mayor of the City of Montgomery from the members of the board of directors of the Montgomery Airport Authority; and
- (7) One shall be appointed by the Mayor of the City of Huntsville from the members of the board of directors of the Huntsville Airport Authority.

Section 3. To become a corporation, the nine citizens selected pursuant to Section 2 hereof shall present to the secretary of state an application signed by them which shall set forth:

- (1) The name and residence of each of the applicants, together with a certified copy of all documents evidencing each applicant's selection pursuant to Section 2 hereof;
- (2) The name of the proposed corporation, which shall be the "Alabama International Airport Authority";
- (3) The location of the principal office of the proposed corporation;
- (4) The purposes of the proposed corporation, which shall be,

among others, to plan, acquire, construct, develop, improve, equip, own, operate, administer and manage any and all types of airports, airport buildings, airport facilities, air navigation facilities, heliports and other facilities and air or other transportation services in, to and from the state, to make available the benefits thereof in the widest economic manner, thereby promoting the general welfare and increasing commerce and prosperity, to promote the public welfare and national security, to serve public interest, convenience, and necessity, to promote air navigation and transportation, international, national, state, and local, in and through this state, to promote the efficient, safe, and economical handling of air commerce, to assure the inclusion of this state in national and international programs of air transportation, to develop the full potentialities of the state as an aviation center and to carry out the duties and powers imposed upon or vested in the authority by this act; and

(5) Any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this act.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized to take acknowledgments to deeds. The secretary of state shall examine the application and if he finds that it substantially complies with the requirements of this section of this act, he shall receive, file and record it in an appropriate book of records in his office.

Section 4. When the application has been made, filed and recorded as herein provided, the applicants shall constitute a public corporation under the name proposed in the application. The secretary of state shall make and issue to the applicants a certificate of incorporation under the great seal of the state and shall record the certificate with the application. No fees or compensation shall be paid to the secretary of state for any service rendered or work performed in connection with the authority, its incorporation, dissolution or records.

Section 5. (a) The applicants named in the application and their respective successors in office shall constitute nine of the ten members of the authority. The tenth member of the authority and his or her successors in office shall be appointed by the appointing county official of the county in which the authority's major airport is located, provided that if the authority's major airport is located in more than one county, the appointing county official of each county in which any part of said airport is located shall alternate or rotate making such appointment. In such event, the appointing county official of the county

containing the largest number of square feet of said airport shall make the appointment for the initial term, the official of the county containing the next largest number of square feet shall make the appointment for the next term and so on with the order of such appointments being determined by the number of square feet of said airport located in each county. The appointing county official of the county shall be the probate judge unless he is not a member of the governing body of the county, in which event the chairman of the governing body shall be the appointing county official. The authority's major airport shall be the airport owned, operated or controlled by the authority which has a published instrument approach procedure or facilities for an instrument approach procedure, and if the authority owns, operates or controls more than one airport which has a published instrument approach procedure or facilities therefor, then the one thereof which has the longest runway shall be the authority's major airport. For purposes of this subsection, an airport will be considered as having facilities for an instrument approach procedure and such runways, will be considered as being owned, operated or controlled by the authority and will be considered as being located in a county, if and when such facilities or runways, such ownership, operation or control and such location are shown or reflected on the airport's master plan or an airport layout plan submitted to the FAA Airport District Office or are reflected in a notice or proposal submitted to the FAA. Until such time as the tenth member of the authority can be appointed as aforesaid, the other nine members of the authority shall constitute the full membership of the authority.

(b) At the time of the initial appointment by the governor of three of the individual citizens to incorporate the authority pursuant to Section 4 hereof, the governor shall designate one of such persons to serve as a member of the authority for an initial term of two years, one to serve an initial term of four years, and one to serve an initial term of six years. Thereafter, each succeeding appointment of a member of the authority by the governor shall be for a term of six years. The persons appointed by the lieutenant governor and the speaker of the house of representatives to be two of the individual citizens to incorporate the authority pursuant to Section 4 hereof shall serve as members of the authority for an initial term of six years. Thereafter, each succeeding appointment of a member of the authority by the lieutenant governor or the speaker of the house of representatives shall also be for a term of six years. The member of the board of directors of the Birmingham Airport Authority selected by the Mayor of the City of Birmingham to be one of the individual citizens to incorporate the authority pursuant to Section 4 hereof shall serve as a member of the authority for an initial term of four years. Thereafter, each succeeding selection of a member of the

authority by the Mayor of the City of Birmingham from the board of directors of the Birmingham Airport Authority shall be for a term of six years. The member of the board of directors of the Mobile Airport Authority selected by the Mayor of the City of Mobile to be one of the individual citizens to incorporate the authority pursuant to Section 4 hereof shall serve as a member of the authority for an initial term of three years. Thereafter, each succeeding selection of a member of the authority by the Mayor of the City of Mobile from the board of directors of the Mobile Airport Authority shall be for a term of four years. The member of the board of directors of the Montgomery Airport Authority selected by the Mayor of the City of Montgomery to be one of the individual citizens to incorporate the authority pursuant to Section 4 hereof shall serve as a member of the authority for an initial term of two years. Thereafter, each succeeding selection of a member of the authority by the Mayor of the City of Montgomery from the board of directors of the Montgomery Airport Authority shall be for a term of four years. The member of the board of directors of the Huntsville Airport Authority selected by the Mayor of the City of Huntsville to be one of the individual citizens to incorporate the authority pursuant to Section 4 hereof shall serve as a member of the authority for an initial term of four years. Thereafter, each succeeding selection of a member of the authority by the Mayor of the City of Huntsville from the board of directors of the Huntsville Airport Authority shall be for a term of four years. The member of the authority appointed by an appointing county official shall serve for an initial term of two years. Thereafter, each succeeding appointment of a member of the authority by an appointing county official shall be for a term of six years.

(c) The members of the authority shall constitute all the members of the board of directors of the authority, which shall be the governing body of the authority. Upon the expiration of the term of office of any member of the authority or in the event any member of the authority ceases to be a member of the authority, by reason of death, resignation, removal of his or her residence from the state of Alabama or for any other reason, then the same officer, official or authority who originally appointed or selected such member shall appoint or select a successor in office to take his or her place as a member of the authority. If at any time the member of the authority selected by the Mayor of the City of Birmingham from the Birmingham Airport Authority Board of Directors ceases to be a member of said board, he or she shall also cease to be a member of the authority and the Mayor of the City of Birmingham shall select from the members of the Birmingham Airport Authority Board of Directors a successor in office to take his or her place as a member of the authority. If at any time the member of the authority selected from either the Huntsville, Mobile or Montgomery



Airport Authorities' Board of Directors ceases to be a member of said board, he or she shall also cease to be a member of the authority and the respective mayor shall select from the members of the respective Airport Authority Board of Directors a successor in office to take his or her place as a member of the authority. In the event any member of the authority ceases to be a member of the authority prior to the expiration of his or her term of office, his or her successor in office as a member of the authority shall serve for the unexpired term of such office. If the term of office of any member of the authority shall expire prior to the appointment of his or her successor, such member shall continue to serve until his or her successor is appointed and qualified. The members of the authority shall be eligible to succeed themselves. No member, officer, director or employee of the authority shall be personally liable for any debt, obligation or liability of the authority or the state.

(d) A majority of the directors shall constitute a quorum of the board for the transaction of business, but any meeting of the board may be adjourned from time to time by a majority of the directors present or may be so adjourned by a single director if such director is the only director present at such meeting. No vacancy in the membership of the board shall impair the right of a quorum of the board to exercise all the powers and duties of the authority. The board shall hold an annual meeting and such other regular meetings as may be provided in the bylaws of the authority, and the board may hold other meetings at any time from time to time; provided, that upon (1) call of the chairman of the authority or any two directors and (2) at least five days written notice to each of the members, a special meeting of the board must be held. Any matter on which the board is authorized to act may be acted upon at any regular, special or called meeting. At the request of any director, the vote on any question before the board shall be taken by yeas and nays and entered upon the record.

(e) All proceedings of the board shall be reduced to writing by the secretary of the authority, recorded in a well-bound book and open to each director and to the public at all times. Copies of such proceedings, when certified by the secretary of the authority under its seal, shall be received in all courts as evidence of the matters and things therein certified.

(f) Each director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. Each director may also be compensated by the authority in an amount authorized by the bylaws.

(g) Any director of the authority may be impeached and removed from office in the same manner and on the same grounds provid-

ed by Section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of the officers mentioned in said Section 175.

(h) The officers of the authority shall consist of a chairman, a vice-chairman, a secretary, a treasurer and such other officers as the board shall deem necessary to accomplish the purposes for which the authority was organized. The chairman and vice-chairman shall be elected by the board from its membership, except that no member presently serving on an existing airport authority or board may be elected to the chairman or vice-chairman position, but neither the secretary, the treasurer nor any of the other officers of the authority need be a member of the board of directors. The chairman and vice-chairman of the authority shall be elected by the board for a term of one year. The state treasurer shall be the treasurer of the authority. The state treasurer shall act as custodian of the funds of the authority and shall pay the principal of and the interest and premium (if any) on the bonds of the authority from the sources hereinafter provided. The state treasurer shall act as paying agent with respect to any series of bonds issued under this act. The secretary and the other officers of the authority shall be elected by the board for such term as it deems advisable. The board shall have also the authority to employ all personnel as it deems necessary and to fix the terms and conditions of their employment. The duties of the chairman, vice-chairman, secretary and treasurer shall be such as are customarily performed by such officers and as may be prescribed in the bylaws or by the board. The duties of any other officer of the authority shall be such as are from time to time prescribed by the board.

Section 6. The authority shall have the following powers among others specified in this act, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

(1) To have succession by its corporate name for the duration of time (which may be in perpetuity) specified in its certificate of incorporation;

(2) To sue and be sued in its own name in civil actions, excepting actions in tort against the authority;

(3) To adopt and make use of a corporate seal and to alter the same at pleasure;

(4) To adopt and alter bylaws for the regulation and conduct of its affairs and business;

(5) To acquire, receive, take and hold, whether by purchase, option to purchase, gift, lease, devise or otherwise, property of every description, whether real, personal or mixed, whether in one or more counties and whether within or without the corporate limits of any municipality, and to manage said property and to develop any property and to sell, exchange, lease or grant an option to purchase any property (whether developed or undeveloped) owned, leased or controlled by it;

(6) To make, enter into, execute and perform such contracts, agreements, leases and other instruments and to take such other action as may be necessary or convenient to accomplish any purpose for which the authority was organized or the exercise of any power granted hereunder;

(7) To plan, establish, develop, acquire, purchase, lease, construct, reconstruct, enlarge, improve, maintain, equip, operate, regulate and protect airports and air navigation facilities, whether in one or more counties and whether within or without the corporate limits of any municipality, including the acquisition, construction, installation, equipment, maintenance and operation at or in connection with or in furtherance of the use of such airports of sanitary and storm sewage systems and water, electric and gas systems, buildings, hangers and other facilities for airlines and the servicing of aircraft or for the comfort, use and accommodation of air travelers and the purchase and sale of such supplies, goods and commodities as are incident to the operation of its airport properties;

(8) To construct, acquire, establish, improve, extend, enlarge, reconstruct, equip, maintain, repair and operate heliports, aerial aircraft (by whatever name such may be known) landing, loading or storage areas and transportation terminals, whether in one or more counties and whether within or without the corporate limits of any municipality;

(9) To construct, acquire, establish, improve, extend, enlarge, reconstruct, equip, maintain and repair buildings, structures and facilities suitable for use as manufacturing plants, industrial plants, retail shopping areas or centers, parks, exhibits or exhibitions or for the conduct of any lawful business, at, upon or adjacent to any airport, heliport or aircraft landing area owned or operated by such authority, whether in one or more counties and whether within or without the corporate limits of any municipality, and to sell, exchange, grant an option to purchase, lease or let such buildings, structures and facilities or any one or more of them to such tenant or tenants for such term or terms, at such compensation or rental and subject to such provisions,

limitations and conditions as the authority may require or approve;

(10) To furnish or supply upon any airport, heliport or aircraft landing area or other property owned or operated by or under the jurisdiction of the authority, for reward or compensation, goods, commodities, space, facilities and services, including, without limiting the generality of the foregoing, food, lodging, shelter, lawful drinks, confections, reading matter, oil, gasoline, motors and aircraft, motor and aircraft parts and equipment, space in buildings, space for buildings and structures, parking space for aircraft and automobiles and the services of mechanics, instructors and hostlers;

(11) To confer upon individuals, firms, corporations or companies for reward or compensation the privilege or concession of supplying upon any airport, heliport or aircraft landing area owned or operated by or under the jurisdiction of the authority all or any part of the goods, commodities, things, services and facilities authorized to be supplied by subsection (10) of this section;

(12) To acquire, by eminent domain and otherwise, establish, construct, expand, own, control, equip, improve, maintain, operate and regulate satellite airports or landing fields for the use of aircraft in the state, whether in one or more counties and whether within or without the corporate limits of any municipality;

(13) To acquire, by purchase, gift, devise, lease, eminent domain proceedings or otherwise, existing airports, air navigation facilities and other facilities, whether in one or more counties and whether within or without the corporate limits of any municipality; provided, however, that the authority shall not acquire or take over any airport or air navigation facility owned or controlled by any county, municipality, public corporation, public authority or public agency of the state, or any one or more thereof, without the consent of such county, municipality, public corporation, public authority or public agency;

(14) To acquire, by purchase, gift, devise, lease, eminent domain proceedings or otherwise, property which may be used or useful for educational facilities, to establish, construct, own, maintain, operate, improve, expand, equip, control and regulate schools, institutions of higher learning and other educational facilities upon or adjacent to the properties of the authority and to sell, lease or donate such educational properties;

(15) To acquire, by purchase, gift, devise, lease, eminent domain

proceedings or otherwise, property which has been or may be used or useful for housing, apartments and other residential buildings, structures, complexes and projects, to establish, construct, own, maintain, operate, improve, expand, equip, control and regulate such housing and residential facilities upon or adjacent to the properties of the authority and to sell, lease or donate such properties;

(16) To acquire, by purchase, gift, devise, lease, eminent domain proceedings or otherwise, to establish, expand, own, control, equip, improve, maintain, operate, manage and regulate any and all types of transportation facilities and services in, to or from the state, including, but not limited to, rail systems, railroads, spur tracks and other railway facilities and equipment, mass transportation facilities, bus systems, buses, intrastate airlines and other facilities, systems or services for any mode of transportation, and to sell, lease or donate such properties;

(17) To acquire, by purchase, gift, devise, lease or otherwise, and to operate docks, wharves, maritime warehouses, machinery and equipment and port facilities;

(18) Subject to the provisions of this act, to borrow money and issue its bonds in evidence thereof to provide funds for any corporate function, use or purpose;

(19) As security for payment of the principal of and interest and premium (if any) on its bonds and any agreements made in connection therewith, to pledge, mortgage, assign or grant security interests in any or all of

a. The funds, revenues or receipts from which its bonds may be made payable or

b. Its properties or any part or parts thereof (whether then owned or thereafter acquired) and to arrange for and provide such additional security for its bonds, including, but not limited to, letters of credit, bond insurance policies, surety bonds, all as the board shall determine to be necessary or desirable;

(20) To borrow money on a short-term basis and to issue its temporary bonds or notes in evidence thereof for any corporate function, use or purpose, which bonds or notes shall mature not later than twenty-four (24) months from their date of issuance, to provide for the payment of the same from the principal proceeds of the sale of its long-term bonds, and to mortgage, assign and pledge, as security for

payment of the principal of and interest on any such temporary bonds or notes and any agreements made in connection therewith, any funds, revenues, receipts or properties it is authorized to pledge, mortgage or assign as security for its bonds under subdivision (19) of this section;

(21) To assume obligations secured by a lien on or payable out of or secured by a pledge of the revenues, rents, receipts and funds from any air transportation facilities, air navigation facilities or other facilities, or any part thereof, that may be acquired by the authority;

(22) To exercise the power of eminent domain in the manner and subject to the provisions of Title 18 of the Code of Alabama 1975 with respect to any property, real, personal or mixed, whether in one or more counties and whether within or without the corporate limits of any municipality, including air space, navigation easements, structures and obstructions to flights and property already devoted to public use, that may be reasonably necessary for the construction, extension, maintenance, operation, protection, enlargement, improvement or preservation of an airport or airport facility, or sanitary or storm sewage systems or water, electric and gas systems, upon, adjacent to, in connection with or in furtherance of the use of any airport, heliport or aircraft landing area or other properties owned or operated by the authority;

(23) To appoint, employ, contract with and provide for compensation of officers, employees and agents, including engineers, attorneys, consultants, fiscal advisers and such other employees as the business of the authority may require, including the power to fix working conditions and other conditions of employment by general rule and, at its option, to provide a system of disability pay, retirement compensation and pensions, or any of them, and to hire and fire servants, agents, employees and officers at will;

(24) To fix, establish, collect and alter landing fees, tolls, rents, passenger facility charges, access fees and other charges with respect to any airport, heliport, landing area, air navigation facility or other facility, building, structure or property owned or controlled by the authority or any service provided pursuant thereto, or any benefit derived therefrom;

(25) To make and enforce reasonable rules and regulations governing the use of any airport, heliport, landing area or airport facility or other facility owned or controlled by the authority;

(26) To provide for such insurance, including but without limita-

tion to, use and occupancy insurance, as the board may deem advisable;

(27) To invest any funds of the authority that the board may determine are not presently needed for its corporate purposes in any permitted investments or in any obligations in which municipal or county funds are authorized to be invested pursuant to Section 11-81-21, Code of Alabama 1975;

(28) To cooperate with the United States of America, the state or any county, city, town, public corporation, agency, department or political subdivision of the state or the United States of America, and to make such contracts with them or any of them as the board may deem advisable to accomplish the purposes for which the authority was established;

(29) To sell, exchange and convey, including the granting of options to acquire, any or all of its properties that may have become obsolete or worn out or that may no longer be needed or useful to the authority in connection with, or in the operation of the airport, heliport or other facility with respect to which they were acquired or of which they form a part, or that the board deems to be in furtherance of any purpose for which the authority was organized;

(30) To receive and accept grants for or in aid of the construction, extension, improvement, maintenance or operation of any airport, heliport or airport facility, air navigation facility or other facility from the United States of America or any agency thereof and from the state or any department or agency thereof and any political subdivision thereof, and to receive and accept money, property, labor or other things of value from any source whatever;

(31) To sell, donate and convey, with or without consideration, any of its properties to the state or any one or more counties, municipalities or public corporations organized and existing under the laws of the state which have the corporate power to operate the properties so conveyed and the property and income of which are not subject to taxes; provided, that any such conveyance shall not be made if it would constitute a violation of a provision of any then outstanding indenture to which the authority is a party;

(32) To purchase equipment and supplies necessary or convenient for the exercise of any power of the authority;

(33) To appoint, employ, contract with and provide for compensation of one or more suitable persons to act as police officers to keep off intruders and prevent trespass upon and damage to property owned by or

under the jurisdiction of the authority. All such persons shall be charged with all the duties and invested with all the powers of police officers. Any police officer appointed pursuant to the provisions of this subdivision is a peace officer whose authority extends to any place in the state; provided, that the primary duty of any such police or peace officer shall be the enforcement of the law on property owned by or under the jurisdiction of the authority; and provided further, that any such police or peace officer shall not otherwise act as a peace officer in enforcing the law except:

a. When in pursuit of any offender or suspected offender who is charged with the commission of a crime while on premises owned by or under the jurisdiction of the authority, or

b. To make arrests otherwise lawful for crimes committed, or for which there is probable cause to believe have been committed, within his presence or within the boundaries of said property owned by or under the jurisdiction of the authority. The provisions of this subdivision granting powers to police officers employed by the authority are not intended to limit or abridge any powers heretofore granted to said officers by law, or to imply that such powers do not otherwise exist on the date of the enactment of this act, and the provisions of this subdivision of this section are, therefore, to be considered cumulative;

(34) To enter into a management agreement or agreements with any county or municipality in the state for the management by the authority of any airport, heliport, air navigation facility or other facility useful to the authority, whether in one or more counties and whether within or without the corporate limits of any municipality, upon such terms and conditions as may be mutually agreeable; and

(35) To assess and collect fines from any person, firm or corporation occupying, leasing or utilizing any part of an airport, airport facility or other facility or property owned by or under the jurisdiction of the authority in order to reimburse the authority for civil penalties levied by any government entity (including the FAA) if such penalties arise as the result of one or more acts or omissions of such person, firm or corporation.

Section 7. The authority is authorized to accept, receive, receipt for, disburse and expend federal, state, county or municipal moneys and other moneys, public or private, made available by donation, grant, appropriation or loan or any combination thereof, to accomplish, in whole or in part, any of the purposes of this act. All federal moneys accepted under this section shall be accepted and



expended by the authority upon such terms and conditions as are prescribed by the United States and as are not inconsistent with the laws of this state, and all state moneys accepted under this section shall be accepted and expended by the authority upon such terms and conditions as are prescribed by law. State moneys which the authority may receive include, but are not limited to, state appropriations, proceeds of bonds issued by the state, tax revenues and other state revenues.

Section 8. For the purpose of aiding and cooperating with the authority in the financing, funding, planning, development, undertaking, construction, extension, improvement or operation of airports, heliports and air navigation facilities and other facilities, the state (in such manner and upon such terms and conditions, with or without consideration, as may be prescribed by law) or any county, municipality or other political subdivision, public corporation, agency or instrumentality of this state, (upon such terms and conditions, with or without consideration, as its governing body may determine) may, and each of them is hereby authorized and empowered to:

- (1) Donate, grant, appropriate or lend money to the authority;
- (2) Provide that all or a portion of any taxes, fees, or funds available or to become available to it for airport purposes or any other purposes (unless required by law to be used for nonairport purposes) shall be transferred or paid directly to the authority as such taxes, fees or funds become available to it;
- (3) Cause water, sewer, electric, gas or drainage facilities or any other facilities which it is empowered to provide to be furnished adjacent to or in connection with such airports, heliports or air navigation facilities or other facilities;
- (4) Donate, sell, convey, transfer or lease to the authority any land, property, franchise, grant, easement, license or lease which it may own;
- (5) Donate, sell, convey or lease any airport, airport property, heliport or heliport property or any interest in any thereof owned by it to the authority;
- (6) Donate, transfer, assign, sell or convey to the authority any rights, title or interest which it may have in any lease, contract, agreement, license or property;
- (7) Furnish, dedicate, close, pave, repair, install, grade,

regrade, plan or replan streets, roads, roadways and walks from established streets or roads to such airports, heliports or air navigation facilities or abutting or adjacent to such airports, heliports or air navigation facilities;

(8) Except as limited by the Constitution of Alabama of 1901, as amended, borrow money for the purpose of providing funds to the authority and paying all costs, fees and expenses agreed upon in connection with any such loans, and it may, without an election, issue evidences of its indebtedness in the form of interest-bearing warrants, notes or bills payable, maturing at such time or times as it may determine, not exceeding 20 years from the date of issue, and, as security for any such evidences of indebtedness and as a part of the contract whereunder any money is borrowed, it may agree to annually levy, collect and apply to the payment thereof, so long as the same or any part thereof remains unpaid, any tax or license which it is empowered or authorized on the date of such contract to levy and collect (unless such tax or license is specifically prohibited by law from being so used);

(9) Do any and all things, whether or not specifically authorized in this section and not otherwise prohibited by law, that are necessary or convenient to aid and cooperate with the authority in the planning, undertaking, construction or operation of airports, heliports and air navigation facilities and other facilities; and

(10) Furnish at the request of the authority fire and air crash equipment of all kinds and personnel to properly operate such equipment at any airport, heliport or aircraft landing area owned, operated or under the jurisdiction of the authority.

Section 9. No civil action shall be brought or maintained against the authority or any director thereof for or on account of the negligence of such authority or director or its or his agents, servants or employees in or about the construction, maintenance, operation, superintendence or management of any airport, heliport or other facility owned or controlled by the authority. Provided that nothing contained within this act shall be construed as granting immunity to concessionaires, licensees, tenants, operators or lessees of the authority selling, furnishing, giving or serving alcoholic beverages and further nothing contained herein shall be deemed to limit the rights of anyone to bring a civil cause of action relating to the unlawful selling of alcoholic beverages against anyone other than the authority, or any director or any of its agents, servants or employees thereof.

Section 10. The authority shall have the power and is hereby authorized at any time and from time to time to issue and sell its bonds for any of its corporate functions, uses or purposes, which bonds may be in the form of interest-bearing bonds or noninterest-bearing bonds. The principal of and the interest and premium (if any) on any such bonds may be payable from one or more specified sources, including:

a. The revenues derived by the authority from the operation of any or all of its airports, heliports, airport facilities, other facilities and property and

b. Any or all moneys, funds, revenues, appropriations, taxes, proceeds or properties authorized to be appropriated, donated, granted, transferred, conveyed, sold, loaned, assigned or given to the authority by Section 8 of this act or any other law (unless such use thereof is otherwise specifically prohibited by law), and such bonds may be secured by a pledge of any or all thereof. Bonds issued or contracts entered into by the authority shall be obligations of the authority and shall only constitute or create an obligation or debt of the state or any county or municipality if, and to the extent, so provided in such amendment or amendments to the Constitution of Alabama of 1901, as may be adopted and ratified after May 1, 1992. The authority is hereby vested with full authority, except as limited herein and by the constitution, as amended, to provide for the terms of its bonds, to provide for and limit the sources of payment for said bonds and to provide for the sale and issuance thereof. Bonds of the authority may be issued at any time and from time to time in one or more series, may be in such form and denominations, may be of such tenor, may be payable in such installments and at such time or times, not exceeding 40 years from their date, may be payable at such place or places whether within or without the state and may, if issued as interest-bearing bonds, bear interest at such rate or rates, fixed or variable, whether exceeding the rates prescribed by any law as usurious or not, payable and evidenced in such manner as shall not be inconsistent with the provisions of this act and as may be provided in the proceedings of the board wherein the bonds shall be authorized to be issued. At the authority's election, any bond may be made subject to redemption at the option of the authority on such dates at such price or prices and after such notice or notices and on such terms and conditions and in such manner as may be provided in the proceedings of the board wherein it is authorized to be issued. Bonds of the authority may be sold at public or private sale in such manner and from time to time as may be determined by the board. The authority may pay all reasonable expenses, premiums, fees and commissions that the board may deem necessary or advantageous in connection with the

authorization, sale and issuance of its bonds. All bonds may contain a recital that they are issued pursuant to the provisions of this act, which recital shall be conclusive that they have been duly authorized pursuant to the provisions of this act. Neither a public hearing nor consent of the state department of finance shall be prerequisite to the issuance of bonds by any authority.

Section 11. Upon the adoption by the board of any resolution providing for the issuance of bonds, the authority may, in its discretion, cause to be published once a week for two consecutive weeks in a newspaper that is customarily published in this state not less than five days in each calendar week and distributed in the county in which is located the principal office of the authority, a notice in substantially the following form (the blanks being properly filled in) at the end of which there shall be printed the name and title of either the chairman or secretary of the authority: "The Alabama International Airport Authority, a public corporation of the State of Alabama, on the \_\_\_\_ day of \_\_\_\_, authorized the issuance of \$ \_\_\_\_\_ principal amount of revenue bonds of the said corporation for purposes authorized in the act of the legislature of Alabama under which the said corporation was organized. Any action or proceeding questioning the validity of the said bonds, or the pledge and any instruments securing such bonds, or the proceedings authorizing the same, must be commenced within 30 days after the first publication of this notice."

Any action or proceeding in any court to set aside or question the proceedings for the issuance of the bonds referred to in said notice or to contest the validity of any such bonds or the validity of the pledge and any instruments made to secure such bonds must be commenced within 30 days after the first publication of such notice. After the expiration of the said period, no right of action or defense questioning or attacking the validity of the said proceedings, the said bonds or the said pledge or instruments shall be asserted, nor shall the validity of the said proceedings, bonds, pledge or instruments be open to question in any court on any ground whatsoever except in an action commenced within such period.

Section 12. All bonds shall be signed by the chairman or vice-chairman and the secretary or treasurer of the authority and the seal of the authority shall be affixed thereto; provided, that a facsimile of the signatures of both of the officers whose signatures will appear on the bonds may be imprinted or otherwise reproduced thereon in lieu of being manually signed if the proceedings in which the bonds are authorized to be issued provide for the manual authentication of such bonds by a trustee, registrar or paying agent or by named individuals who are employees of the state and who are assigned to the state depart-

ment of finance or the office of the state treasurer; provided further, that a facsimile of the seal of the authority may be imprinted or otherwise reproduced on the bonds in lieu of being manually affixed thereto. Delivery of bonds so executed shall be valid notwithstanding any changes in officers or in the seal of the authority after the signing and sealing of the bonds.

Section 13. (a) In the discretion of the authority, any bonds may be issued under and secured by an indenture between the authority and a trustee. Said trustee may be a private person or corporation, including, but not limited to, any trust company or bank having trust powers, whether such bank or trust company is located within or without the state. In any such indenture or resolution providing for the issuance of bonds, the authority may pledge for payment of the principal of and the interest on such bonds any of its revenues, rents, income or funds from which its bonds may be made payable or to which its right then exists or may thereafter come into existence and may assign, as security for such payment, any of its leases, franchises, permits and contracts and, in any such indenture, the authority may mortgage any of its properties, including any that may be thereafter acquired by it. Any such pledge of revenues shall be valid and binding from the time it is made, and the revenues, rents, income or funds so pledged and thereafter received by the authority shall immediately become subject to the lien of such pledge without any physical delivery thereof or further act. The lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether the parties have actual notice thereof, from the time a statement is filed as provided in the Uniform Commercial Code. Such notice need state only the date on which the resolution authorizing the issuance of the bonds was adopted by the board, the principal amount of bonds issued, a brief description of the revenues, rents, income or funds so pledged and a brief description of any property the revenues, rents, income or funds from which are so pledged. In any indenture or resolution authorizing the issuance of bonds and pledging for the benefit thereof any of its revenues, rents, income or funds, the authority shall have the power to include provisions customarily contained in instruments securing evidence of indebtedness, including, without limiting the generality of the foregoing, provisions respecting the collection, segregation and application of any rental or other revenue due or to become due to the authority, the terms to be incorporated in any lease agreement respecting any property of the authority, the maintenance and insurance of any building or structure owned by the authority, the creation and maintenance of special funds from any revenue, rents, income or funds of the authority and the rights and remedies available in the event of default to the holder of the bonds or the trustee under the

indenture as the board shall deem advisable and as shall not be in conflict with the provisions of this act. If there be any default by the authority in payment of the principal of or the interest on the bonds or in any of the agreements on the part of the authority that may be properly included in any indenture securing the bonds, any holder of any of the bonds or the trustee under any indenture, if so authorized in such indenture, may, in addition to any other remedies provided by this act or otherwise available, by civil action, mandamus or other proceedings enforce payment of such principal or interest and compel performance of all duties of the board and officers of the authority and shall be entitled as a matter of right and regardless of the sufficiency of any such security to the appointment of a receiver with all the powers of such receiver for the operation and maintenance of the property of the authority covered by such indenture and the collection, segregation and application of revenues therefrom. The indenture may also contain provisions restricting the individual rights of action of the holders of the bonds.

(b) A debt service reserve fund is authorized to be established and maintained in such an amount and under such conditions for any or all series of the bonds as may be determined by the authority in its resolution(s) relating to the bonds or in an indenture under which the bonds may be issued. The authority is authorized to make payments from bond proceeds or any other funds or revenues available to it (including any tax revenues pledged for the payment of the authority's bonds in excess of those required to meet current debt service on such bonds) into the debt service reserve fund. Income earned from the investment of moneys held in the debt service reserve fund may be used by the authority for any purpose designated by the authority that would constitute a permitted use of funds of the authority under this act. The authority is authorized to determine the conditions for the utilization of the debt service reserve fund (including earnings from the investment of such fund) in its resolution(s) relating to the bonds secured thereby or in an indenture under which the bonds may be issued, and by the terms of such resolution(s) or indenture, to dedicate and pledge such fund and the investment earnings therefrom to payment of debt service on the bonds.

Section 14. The proceeds derived from the sale of any of the authority's bonds, other than refunding bonds, shall be used for one or more of its corporate functions, uses or purposes, including to pay the cost of acquiring, constructing, improving, enlarging and equipping its airports, airport facilities, and other facilities or property, as may be specified in the proceedings in which the bonds are authorized to be issued. Such cost shall be deemed to include the following:

(1) The cost of any land forming a part of any such airports, facilities or property;

(2) The cost of labor, material and supplies used in any such construction, improvement or enlargement, including architects' and engineers' fees, and the cost of preparing contract documents and advertising for bids;

(3) The purchase price of and the cost of installing equipment for any such airports, facilities or property;

(4) The cost of landscaping the lands forming a part of any such airports, facilities or property and of constructing and installing roads, sidewalks, curbs, gutters, utilities and parking places in connection with any such airports, facilities or property;

(5) Legal, fiscal and recording fees and expenses incurred in connection with the authorization, sale and issuance of the bonds; and

(6) Interest on said bonds for a reasonable period prior to and during the time required for such construction and equipment and for not exceeding 18 months after completion of such construction and equipment.

If any of the proceeds derived from the sale of said bonds remains undisbursed after completion of such work and payment of all of the said costs and expenses, such balance shall be used for any of the authority's other corporate functions, uses or purposes or for retirement of the principal of the bonds of the same issue.

Section 15. (a) Any bonds issued by the authority under this act may from time to time thereafter be refunded by the issuance of refunding bonds of the authority. Any such refunding bonds may be issued whether the bonds to be refunded shall have then matured or shall thereafter mature, and such refunding may be effected either by sale of the refunding bonds and the application of the proceeds thereof to the payment or redemption of the bonds so refunded or by exchange of the refunding bonds for those to be refunded thereby. The holders of any bonds so to be refunded shall not be compelled without their consent to surrender their bonds for payment or exchange prior to the date on which they are payable, or if they are called for redemption, prior to the date on which they may be redeemed by the authority according to their terms. Any refunding bonds may be issued in such aggregate principal amount as the authority shall deem necessary to effect such refunding.

(b) The proceeds derived from any sale of refunding bonds remaining after payment of the expenses of their issuance shall be applied in accordance with the proceedings of the authority under which such refunding bonds are issued. Pending the application of said

proceeds to the purchase, redemption or payment of such outstanding bonds, the said proceeds may be invested in permitted investments pursuant to a trust agreement providing for the future application of such proceeds to the purchase, redemption or payment of such outstanding bonds. Bonds refunded prior to their maturity with the proceeds of refunding bonds shall be deemed not outstanding if the authority, in the proceedings under which such refunding bonds are issued, establishes a trust fund consisting of cash or government securities, or both, sufficient to pay in accordance with the provisions of such trust fund when due, the entire principal of and the interest and premium (if any) on the refunded bonds; provided that such government securities shall not be subject to redemption prior to their maturities other than at the option of the holder thereof. Upon the establishment of such a trust fund, the refunded bonds shall no longer be deemed to be outstanding, shall no longer be secured by the funds or revenues pledged therefor, shall no longer be obligations of the authority, and shall be secured solely by and payable from the moneys and investments deposited in such trust fund.

Section 16. The state and all public officers, municipal corporations, political subdivisions, public corporations and public bodies, including the state employees' retirement system created pursuant to chapter 27 of Title 36, Code of Alabama 1975 and the teachers' retirement system created pursuant to chapter 25 of Title 16, Code of Alabama 1975, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any funds or moneys belonging to them or within their control in any bonds of the authority, and such bonds shall be authorized security for all public deposits, it being the purpose of this section to authorize any persons, firms, corporations, associations, political subdivisions, bodies, retirement systems and officers, public or private, to use any funds owned or controlled by them, including, but not limited to, sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds and that any such bonds shall be authorized security for all public deposits.

Section 17. Any trust fund, where the investment thereof is permitted or required by law, may be invested in bonds issued by the authority. Unless otherwise directed by a court having jurisdiction



thereof or the document which is the source of authority, a trustee, executor, administrator, guardian or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in the bonds of the authority.

Section 18. The bonds issued by the authority and the income therefrom shall be exempt from all taxation in the state. The authority and all its property and income shall be exempt from all state, county and municipal taxation of any nature, including ad valorem taxes, sales taxes, use taxes, excise taxes, privilege or license taxes, license fees or taxes and other state or local taxes or license fees, and it is the intent of the legislature to exempt the Alabama International Airport Authority from utility gross receipts taxes levied by article 3, chapter 21, Title 40 of the Code of Alabama 1975; provided, however, that these exemptions shall not be construed to exempt concessionaires, licensees, tenants, operators or lessees of the authority from the payment of any licenses or privilege or license taxes levied by the state or any county or municipality in the state. Any deeds or other documents whereby properties are conveyed by or to the authority, any indentures executed by the authority and any leases or mortgages made by or to the authority may be filed for record in the office of the judge of probate of any county without the payment of any tax or fees. In addition, the authority shall not be required to pay any tax resulting from the conversion of property qualified for assessment based on its current use value, with respect to either property conveyed to the authority or property sold or otherwise disposed of by the authority; provided, however, that this exemption shall not be construed to exempt from liability for such additional ad valorem taxes any person otherwise liable, under applicable provisions of law, for the payment of such taxes.

Section 19. (a) The authority shall be exempt from all of the same laws as airport authorities organized pursuant to article 2 of chapter 3 of Title 4, Code of Alabama 1975, which exemption shall include the exemption conferred by Section 4-3-60, Code of Alabama 1975, relating to, among others, the exemption from zoning laws, ordinances and regulations. The authority shall have the same zoning powers with respect to the zoning of airports owned, operated or controlled by the authority and the zoning of areas lying within a 10-nautical-mile radius of the geographical center of such airports as are conferred by Sections 4-6-1 through 4-6-15, Code of Alabama 1975, on counties and municipalities with respect to areas within their zoning jurisdictions. For purposes of chapter 6 of Title 4, Code of Alabama 1975, the zoning jurisdiction of the authority shall be the areas within airports owned,

operated or controlled by the authority and other areas lying within a 10-nautical-mile radius of the geographical center of such airports. In the event that after this act becomes effective, chapter 6 of Title 4, Code of Alabama 1975, is amended or supplemented so as to broaden the zoning powers of counties or municipalities, or both, with respect to airports or areas within the vicinity of airports, the authority shall thereafter have the same zoning powers within its zoning jurisdiction as such counties or municipalities, or both, have within their zoning jurisdictions with respect to airport or areas within the vicinity thereof. No airport, airport facility or other facility or property owned, operated or controlled by the authority shall be annexed by any municipality pursuant to any provision of chapter 42 of Title 11, Code of Alabama 1975, or any other annexation law unless and until such annexation shall be approved by a majority vote of the board of the authority.

(b) In addition to the zoning powers conferred by subsection (a) of this section, the authority may adopt, administer and enforce compatible land use zoning regulations applicable to a controlled compatible land use area relating to an airport owned, operated or controlled by the authority. The authority by resolution may implement, in connection with airport compatible land use regulations, any federal law or rules controlling the use of land located adjacent to or in the immediate vicinity of its airports.

(c) For purposes of subsection (b) of this section, the following words and terms have the meaning hereby ascribed to them:

(1) **CENTERLINE.** A line extending through the midpoint of each end of a runway.

(2) **COMPATIBLE LAND USE.** A use of land adjacent to an airport that does not endanger the health, safety, or welfare of the owners, occupants, or users of the land because of levels of noise or vibrations or the risk of personal injury or property damage created by the operations of the airport, including the taking off and landing of aircraft or such other definition adopted in either the approved master plan or the approved noise study for each airport as defined by FAA regulations or both when applicable.

(3) **CONTROLLED COMPATIBLE LAND USE AREA.** An area of land located outside airport boundaries and within a rectangle bounded by lines located no farther than two statute miles from the centerline of an instrument or primary runway and lines located no farther than five statute miles from each end of the clear zone of the paved surface of an instrument or primary runway.

(4) **INSTRUMENT RUNWAY.** An existing or planned runway for which an instrument landing procedure published by a defense agency of the federal government or the FAA exists or is planned.

(5) **PRIMARY RUNWAY.** An existing or planned paved runway, as shown in the official airport layout plan (ALP) of the airport on which a majority of the approaches to and departures from the airport occur.

(6) **RUNWAY.** A defined area of an airport prepared for the landing and taking off of aircraft along its length.

(7) **MASTER PLAN.** An airport master plan approved by the FAA.

(8) **NOISE STUDY.** An FAA approved noise control and land use compatibility study, or a Federal Aviation Regulation, Part 150 noise study, or any comparable subsequently approved program or study.

(d) For purposes of the provisions of:

(1) The act resulting from the enactment of House Bill 406 introduced at the 1991 Regular Session of the Alabama Legislature (whether such bill is enacted before or after this act) or

(2) Any other statute, now or hereafter enacted, which provides for airport zoning and the issuance of permits by the state aeronautics department for structures exceeding federal obstruction standards located near air traffic, the authority shall be deemed to be a political subdivision and its territorial limits shall be deemed to be the outer boundaries of airports owned, operated or controlled by the authority and the outer boundaries of other areas lying within a 10-nautical-mile radius of the geographical center of such airports.

Section 20. (a) In addition to the definitions prescribed in Section 1 of this act, as used in this section the following words and terms have the meaning hereby ascribed to them:

(1) **ABC LAW.** Chapters 3 and 3A, Title 28, Code of Alabama of 1975, which establish and govern the alcoholic beverage control board and provide for alcoholic beverage licensing.

(2) **ABC BOARD.** The alcoholic beverage control board.

(3) **SPECIAL RETAIL LIQUOR LICENSE.** The special retail license for which the ABC law provides.

(4) **AIRPORT LIQUOR LICENSE.** The license which this act provides for issuance to the authority.

Any word or term used in this section which is defined in the ABC law shall have the same meaning as that law ascribes to said word or term.

(b) Any other law to the contrary notwithstanding, the authority's airports, airport facilities and other facilities and properties shall be wet for purposes of Title 28, Code of Alabama 1975, and alcoholic beverages can be legally sold, distributed and consumed within any airport, airport facility, or other facility or property owned by or under the jurisdiction of the authority. All of the provisions of Title 28 of the Code of Alabama 1975 relating to alcoholic beverages in wet counties, including chapters 3, 3A, 6 and 7, not in conflict with this act, shall be put into operation with respect to and effective within any airport, airport facility or other facility or property of the authority, whether such airport, airport facility or other facility or property is actually located in a wet county or a dry county.

(c) At the request of the authority, the ABC Board shall issue an airport liquor license to the authority, or at the request of the authority, to any one or more concessionaires, licensees, tenants, operators or lessees of the authority, where a "special retail liquor license" is otherwise authorized by law, provided that such an airport liquor license may be granted in wet or dry counties for locations within any airport, airport facility or other facility or property of the authority, and further provided that in accordance with the provisions of subsection (d) of this section, the sale of alcoholic beverages pursuant to such an airport liquor license may be permitted at any time on any Sunday. Such an airport liquor license shall entitle the authority or such concessionaire, licensee, tenant, operator or lessee of the authority to purchase liquor from an Alabama liquor store, and subject to the provisions of the ABC law and the regulations made thereunder, not in conflict with this act, to keep and sell in any part of the authority's airports, airport facilities or other facilities or property for consumption therein any such liquor and also any malt or brewed beverages or vinous beverages the holder of a special retail liquor license is entitled to keep and sell. Except as otherwise provided in this act, an airport liquor license shall be deemed to be a special retail liquor license, and to the extent not in conflict with this act, all of the provisions of the ABC law applicable to a special retail liquor license shall be applicable to an airport liquor license. The aforesaid concessionaires, licensees, tenants,

operators or lessees of the authority who are authorized to sell or distribute alcoholic beverages in accordance with an airport liquor license shall be deemed to be the person to whom the airport liquor license is granted.

(d) When any liquor license is issued pursuant to this act, all other laws to the contrary notwithstanding, the board of the authority shall have the authority and the duty to determine and fix the days of the week, which may include Sunday, and the times when, and places where, alcoholic beverages may be sold in its airports, airport facilities and other facilities and properties and to fix other reasonable rules and regulations for the sale of alcoholic beverages therein.

(e) Except as otherwise provided in this act, the laws of the state and the regulations of the ABC Board shall apply to the authority and its concessionaires, licensees, tenants, operators or lessees in any of their operations under an airport liquor license.

Section 21. Employees of the authority shall participate in the employees' retirement system of Alabama, as defined in Section 36-27-2, Code of Alabama 1975, which is operated for the purpose of providing retirement allowances and other benefits for employees of the state. Notwithstanding the provisions of Section 36-27-26, Code of Alabama 1975, or any other law, employees of the authority shall be deemed to be employees of the state included in the membership of the retirement system as provided in Section 36-27-4, Code of Alabama 1975.

Section 22. All money or property found at an airport owned or controlled by the authority shall be reported or delivered by the finder to the airport lost and found, and when so delivered shall be held by the authority for forty-five days or until claimed by some person who establishes title or right of custody thereto to the satisfaction of the authority. In the event of such establishment of title or right of custody, the money or property shall be delivered to the claimant by the authority. If within forty-five days no claimant establishes a right to the money or property, the money or property shall be returned to the person who delivered it to the airport lost and found; provided that if the person who delivered it to the airport lost and found fails to claim the money or property within thirty days after being notified by the authority, the authority shall deposit the money into the authority's treasury to the credit of the authority or shall dispose of the property by public auction. At least once annually, the authority shall place a notice in a newspaper of general circulation giving details as to time and place of the auction and giving notice to all persons interested or claiming the property that

unless claims are made by persons who can provide satisfactory proof of ownership before a specified date, the property will be sold at public auction to the highest bidder. On the day and at the place specified in the notice, all property for which no satisfactory proof of ownership is made shall be sold by auction by or under the direction of the authority.

If any property which is of a perishable nature or unreasonably expensive to keep or safeguard remains unclaimed at the airport, the authority may sell that property at public auction, at such time and after such notice as is reasonable under the circumstances. The authority shall immediately after the sale of any property deposit unto the authority's treasury all moneys received by the authority upon sale.

For the purpose of this section, notice by regular mail to the last known address of the person who delivered the money or property to the airport lost and found shall be deemed sufficient.

Section 23. The authority may make and enforce airport rules pertaining to vehicle parking at any airport owned or controlled by the authority by imposing fines not to exceed \$50 per violation or by removing the vehicle of the offender from the area within the airport, or both.

Section 24. When all bonds issued by the authority and all obligations assumed by it under the provisions of this act shall have been paid in full, the authority may be dissolved upon the filing with the secretary of state of an application for dissolution, reciting the payment in full of all bonds theretofore issued by the authority and all obligations assumed by it under the provisions of this act, which shall be subscribed by each of the members of the authority and sworn to by each member before an officer authorized to take acknowledgments to deeds. Upon the filing of such application for dissolution, the authority shall cease to exist. The secretary of state shall receive and record the application for dissolution in an appropriate book of records in his office. Upon dissolution, all rights, title and interests of the authority in property shall be vested in the state.

Section 25. There is hereby created a legislative oversight committee to monitor the administration of this act. The committee shall consist of three members of the House of Representatives appointed by the Speaker and three members of the Senate appointed by the Lieutenant Governor. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out

of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller. The committee shall meet four times per year and issue an annual report to each and every member of the Legislature of Alabama.

Section 26. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 27. All laws or parts of law which conflict with this act are hereby repealed.

Section 28. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Corbett offered the following amendment to the substitute for the Bill, SB 432, to-wit:

**AMENDMENT TO SUBSTITUTE FOR SB 432**

Amend the substitute for SB 432 Page 15 Line 5, as follows:

After the word "actions" delete the ",," and insert in lieu thereof a period ".".

And further delete the words "excepting actions in tort against the authority;"

Which was adopted.

Senator Corbett then offered the following amendment No. 2, to the substitute, as amended, for the Bill, SB 432, to-wit:

**AMENDMENT NO. 2 TO SUBSTITUTE, AS AMENDED, FOR SB 432**

Amend the substitute, as amended, for SB 432 Page 25 Line 18, as follows:

delete the entire Section 9. down through line 32. and renumber the following Sections.

Which was adopted.

And said substitute, as thus amended, was then adopted.

Yeas 20 Nays 1

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Dixon, Ellis,  
Floyd, Ghee, Hale, Langford, Lindsey, Lipscomb, Mitchell, Owens,  
Preuitt, Sanders, Waggoner, and Windom -20

Nay: Senator Little

- 1

On motion of Senator Dixon, the Rules were suspended and further consideration of the Bill, SB 432, was postponed subject to the call of the Chair.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 427.** To amend Section 4.04 of Act No. 452, H. 974, 1955 Regular Session (Acts 1955, p. 1004), as amended, which provided for a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the 1970 federal decennial census, now defined by statute as Class 1 municipalities and applicable only to the City of Birmingham, so as to provide for the intent of this act; to provide upon the commencement of the next term of the office of mayor in 1991, and thereafter for the salary of such mayor for terms commencing in 1955 and thereafter, to make the mayor of such city ineligible to receive expense allowances as provided for in Section 11-43-86 of the Code of Alabama 1975, upon the commencement of such increased salary and to authorize reimbursement of actual expenses incurred by such mayor in the performance of such office.

JIM PREUITT,  
Chairperson.

### BUDGET ISOLATION RESOLUTION

Senator Windom, B.I.R., SB 42, adopted.

Yeas 21 Nays 1

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Dixon, Ellis,



Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Mitchell,  
Owens, Preuitt, Sanders, Waggoner, and Windom -21

Nay: Senator Little

- 1

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 42.** Relating to the judicial retirement system; authorizing certain circuit judges to purchase credit for service as assistant district attorney; providing for the terms and manner of such purchase.

was taken up.

Senator Windom offered the following substitute for the Bill, SB 42, to-wit:

**SUBSTITUTE FOR SB 42**

**A B I L L  
T O B E E N T I T L E D  
A N A C T**

Relating to the judicial retirement system; authorizing certain circuit judges to purchase credit for certain service as an assistant district attorney, a deputy district attorney or as an assistant attorney general for the state of Alabama; providing for the terms and manner of such purchase.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Any circuit judge who was serving as circuit judge on July 1, 1977, who had former service as an assistant district attorney, a deputy district attorney or an assistant attorney general shall have the right within one year from the date of this act, to elect to receive prior service credit not to exceed three years in his judicial retirement account for service as an assistant district attorney, a deputy district attorney or an assistant attorney general. The notice of election to receive such prior service credit shall be filed with the clerk of the supreme court and with the administrator of the judicial retirement fund. Any judge electing to claim prior service credit pursuant to this act shall contribute to the judicial retirement fund six percent of the compensation received in the former position for which prior service credit is claimed.

Section 2. The contribution for such prior service credit shall

commence within 60 days of the election provided herein, and shall be made in 12 equal monthly payments, provided that nothing herein shall be construed to prohibit a one time lump-sum contribution. After the contribution required for no more than three years of such prior service has been paid in full, such service as an assistant district attorney, a deputy district attorney or an assistant attorney general shall be treated in the judicial retirement system in the same manner and to the same extent that years served as a circuit judge would render the circuit judge eligible for retirement, notwithstanding any contrary provision in Article 1, Chapter 18 of Title 12, Code of Alabama 1975.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 20 Nays 5

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, Corbett, Dixon, Ellis, Floyd, Ghee, Hale, Langford, Lindsey, Owens, Parsons, Preuitt, Sanders, Waggoner, Wilson, and Windom -20

Nays:

Senators:

Bailey, Barron, Lipscomb, Little, and Mitchell

- 5

And said Bill, SB 42, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 17 Nays 6

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, Dixon, Ellis, Hale, Langford, Lindsey, Mitchell, Owens, Parsons, Preuitt, Sanders, Wilson, and Windom -17

Nays:

Senators:

Bailey, Barron, Floyd, Ghee, Lipscomb, and Little

- 6

**BUDGET ISOLATION RESOLUTION**

Senator Corbett, B.I.R., HB 101, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, Corbett, Dial, Ellis, Floyd, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuitt, Sanders, Wilson, and Windom

-21

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 101.** To amend Section 29-1-18 of the Code of Alabama 1975, for the quadrennium ending January, 1995 only, which limits the number of members of a standing committee of the house of representatives to 15.

was taken up.

Senator Little offered the following substitute for the Bill, HB 101, to-wit:

**SUBSTITUTE FOR HB 101**

**A B I L L  
T O B E E N T I T L E D  
A N A C T**

Relating to legislative affairs, to amend Section 29-1-18 of the Code of Alabama 1975, for the quadrennium ending January, 1995 only, which limits the number of members of a standing committee of the house of representatives to 15 and to amend Section 29-6-2 of the Code of Alabama 1975, to provide further for the membership of the legislative council and to repeal Section 29-6-2.1, Code of Alabama 1975.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 29-1-18 of the Code of Alabama 1975, is hereby amended to read for the quadrennium ending January, 1995 only:

"§29-1-18.

"No standing committee of the house of representatives, except a committee on local legislation, shall be composed of more than ~~15~~ 17 members."

Section 2. Section 29-6-2 of the Code of Alabama 1975, is hereby amended to read as follows:

"§29-6-2.

"The legislative council shall consist of the president and president pro tempore of the senate, four members of the senate elected by the senate, two members of the senate appointed by the president of the senate, the speaker and speaker pro tempore of the house of representatives, and six members of the house of representatives elected by the house of representatives, the chairmen of the senate's standing committees on finance and taxation, and on the judiciary, rules and governmental affairs of the senate and the chairmen of the standing committees on ways and means, and on the judiciary and local government of the house. If the speaker of the house, speaker pro tempore or president pro tempore is also the chairman of one of these standing committees, then the vice-chairman of the committee shall serve on the council in the place of the chairman. The house and senate members shall be elected at the 1975 regular session of the legislature, and at the ~~regular~~ organizational session of the legislature held every four years thereafter. The elected members of the legislative council shall serve during their term as legislators, or until their successors are elected as hereinbefore provided. If the senate or house rules shall at any time eliminate or divide any of the standing committees mentioned herein, the president of the senate and the speaker of the house, respectively, shall designate which members shall serve on the council. The legislative council may make temporary appointments to fill vacancies in its membership."

Section 3. Section 29-6-2.1, Code of Alabama 1975, is hereby specifically repealed.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Dixon, Ellis, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Sanders, Waggoner, and Windom -23

Nays:

- 0

And said Bill, HB 101, as amended by the substitute, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Dixon, Ellis, Floyd, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

#### **FURTHER CONSIDERATION OF SB 432**

The Senate proceeded to further consideration of the Bill, SB 432, as amended by the substitute, as amended.

Senator Dixon offered the following amendment to the Bill, SB 432, as amended by the substitute, as amended, to-wit:

#### **AMENDMENT TO SB 432, AS AMENDED**

Amend SB 432, as amended by the substitute, as amended, Page 7 Line 10, as follows:

Delete from lines 10 and 11 the following:

"from the members of the board of directors of the Birmingham Airport Authority"

Also, delete from lines 13 and 14 the following: "from the members of the board of directors of the Mobile Airport Authority"

Also, delete from lines 16 and 17 the following, "from the members of the board of directors of the Montgomery Airport Authority;"

Also, delete from lines 19 and 20 the following, "from the members of the board of directors of the Huntsville Airport Authority;"

Which was adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Dixon, Ellis, Floyd, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (J), and Waggoner -21

Nays:

- 0

And said Bill, SB 432, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 21 Nays 4

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Corbett, Dixon, Ellis, Floyd, Ghee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Mitchell, Owens, Parsons, Sanders, Smith (J), and Waggoner -21

Nays:

Senators:

Bedsole, Campbell, Little, and Windom

- 4

### BUDGET ISOLATION RESOLUTION

Senator Hale, B.I.R., HB 389, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Dixon, Ellis, Floyd,

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Ghee, Hale, Langford, Lindsey, Little, Mitchell, Owens, Parsons,  
Sanders, and Waggoner -19

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 389.** To amend Section 29-2-51 of the Code of Alabama 1975, relating to the permanent legislative committee on reapportionment so as to provide further for additional at-large members.

was taken up.

The Standing Committee on Rules reported the following amendment to the Bill, HB 389, to-wit:

**AMENDMENT TO HB 389**

Amend HB 389 as follows:

On page 2, line 4, delete the words "a chairman" and insert in lieu thereof the following:

a senator and a member of the house of representatives to serve as co-chairpersons

On page 2, line 5, change the comma to a period and delete the language "and a vice-chairman to preside in"

On page 2, line 6, delete the words "his absence".

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Corbett, Dixon, Ellis, Floyd, Ghee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuit, Sanders, Waggoner, and Wilson -23

Nays: - 0

And said Bill, HB 389, as thus amended, was read a third time at length and passed.

Yeas 22 Nays 1

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, Dixon, Ellis, Ghee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Waggoner, and Wilson -22

Nay: Senator Sanders

- 1

### BUDGET ISOLATION RESOLUTION

Senator Ghee, B.I.R, HB 301, adopted.

Yeas 22 Nays 1

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Dixon, Ellis, Floyd, Ghee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuitt, Smith (J), Waggoner, Wilson, and Windom -22

Nay: Senator Sanders

- 1

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**H. 301.** To propose a self-executing amendment to the Constitution of Alabama of 1901, as amended, to provide for the acquisition, maintenance and protection of lands and water areas in this state having unique ecological systems, plant and animal life, geological formations, wildlife habitats, recreational value and scenic beauty; to make certain declarations of purposes and state policies regarding the protection of such lands and waters; to provide definitions of terms; to provide for management of such program and to designate categories of lands and waters to be acquired; to establish the Alabama Forever Wild Land Trust for such purposes; to provide for the establishment of a board of trustees to govern said trust, its membership, selection process, terms of office and vacancy appointments; to provide for the rights, powers, duties and responsibilities of said board; to provide for a final approval committee and its responsibilities; to provide tax deductions for property donated to the Forever Wild Land Trust; to prohibit condemnation of properties for



said trust; to guarantee that the acquisition and conservation of such lands and waters will not impair existing property rights or interfere with the legitimate needs of utilities and other business organizations having the power to condemn property for public use and necessity; to provide for funding of said trust from percentages of trust income earned from investment of funds in the Alabama Trust Fund; to provide for title to acquired property to be held by the Alabama Trust Fund Board; to provide for a stewardship account for the maintenance of properties acquired by the Forever Wild Land Trust; to provide for conservation restrictions and easements to further the program established by this Amendment; to provide for an Alabama Natural Heritage Program; to provide for the dedication of natural area preserves; to provide that after the state's 2011-2012 fiscal year, revenues directed to said Forever Wild Land Trust shall be paid to the general fund of the State of Alabama, with the exception of 2.5% of such revenues needed to continue funding of the stewardship account or as provided by the Legislature; and to provide that income generated from acquired property shall accrue to the general fund of the State of Alabama.

was taken up.

Senator Hale offered the following amendment to the Bill, HB 301, to-wit:

**AMENDMENT TO HB 301**

Amend House Bill No. 301 by inserting the following on Page 20, line 27 immediately following "Land Trust.":

Interest from such investments shall be treated as interest income of the Alabama Trust Fund and shall accrue to the credit of the general fund of the State of Alabama.

On motion of Senator Ghee, said amendment was laid on the table.

Yeas 21 Nays 5

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, Floyd, Ghee, Hilliard, Langford, Lindsey, Lipscomb, Little, Parsons, Preuit, Sanders, Smith (J), Waggoner, Wilson, and Windom

-21

Nays:

Senators:

Bedsole, Dixon, Ellis, Hale, and Owens

- 5

And said Bill, HB 301, was read a third time at length as required by the Constitution and passed.

Yeas 29 Nays 1

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Foshee, Ghee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (J), Waggoner, Wilson, and Windom -29

Nay: Senator Floyd

- 1

### BUDGET ISOLATION RESOLUTION

Senator Bolling, B.I.R., SB 558, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Denton, Dixon, Ellis, Floyd, Ghee, Hale, Lindsey, Lipscomb, Little, Owens, Parsons, Preuitt, Sanders, Waggoner, and Windom -21

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 558.** To amend Sections 24-5-31, 24-5-32 and 24-5-33 of the Code of Alabama 1975, relating to anchoring of mobile homes and manufactured buildings so as to provide further for anchoring such structures; and to provide further for penalties for violations.

was taken up.

Senator Bolling offered the following amendment to the Bill, SB 558, to-wit:

#### AMENDMENT TO SB 558

Amend Senate Bill No. 558, on Page 4, Line 33, as follows:

by striking lines 33 and 34 in their entirety.

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Which was adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Dixon, Ellis, Floyd,  
Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuit, Sanders,  
Waggoner, and Windom -18

Nays:

- 0

Senator Bolling then offered the following amendment No. 2, to the Bill, SB 558, as amended, to-wit:

**AMENDMENT NO. 2 TO SB 558, AS AMENDED**

Amend Senate Bill No. 558, as amended, on Page 2, Line 15, as follows:

by inserting the following: "Public or private utilities shall not be classified as installers under this section."

Which was adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, Dixon, Ellis, Floyd, Hale,  
Hilliard, Lindsey, Lipscomb, Little, Mitchell, Parsons, Preuit, Sanders,  
Waggoner, and Windom -19

Nays:

- 0

And said Bill, SB 558, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 15 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Dixon, Ellis, Floyd, Lindsey, Lipscomb,  
Little, Mitchell, Owens, Preuit, Sanders, Waggoner, and Windom -15

Nays:

- 0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

### BUDGET ISOLATION RESOLUTION

Senator Bolling, B.I.R., SB 559, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Dixon, Ellis, Floyd, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), and Windom -19

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 559.** To amend Sections 24-6-3 and 24-6-4, Code of Alabama 1975, relating to the Alabama Manufactured Housing Commission, so as to further provide for the duties and remuneration of the commission; and to provide that no commissioner shall be liable for damages resulting from any act performed in carrying out his duties as a commissioner.

was taken up.

Senator Corbett offered the following amendment to the Bill, SB 559, to-wit:

#### AMENDMENT TO SB 559

Amend SB 559 Page 3 Line 7, as follows:

delete the entire sentence, "No commissioner shall be liable for damages resulting from any act performed in the performance of his official duties as a commissioner."

Which was adopted.

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Yeas 16 Nays 2

Yeas:

Senators:

Barron, Bennett, Corbett, deGraffenried, Ellis, Hale, Langford,  
Lindsey, Little, Mitchell, Owens, Parsons, Preuitt, Smith (J),  
Waggoner, and Windom -16

Nays:

Senators:

Bailey and Bolling - 2

On motion of Senator Corbett, the Rules were suspended and further consideration of the Bill, SB 559, was postponed subject to the call of the Chair.

**BUDGET ISOLATION RESOLUTION**

Senator Owens, B.I.R., HB 294, adopted.

Yeas 15 Nays 1

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, deGraffenried, Dixon, Ellis, Foshee,  
Hale, Langford, Lindsey, Mitchell, Owens, Preuitt, and Windom -15

Nay: Senator Sanders - 1

The President and Presiding Officer of the Senate declared a quorum present but not voting.

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 294.** To amend Sections 13A-9-13.1, 13A-9-13.2, 8-8-15 and 12-17-224, Code of Alabama 1975, which relate to restitution for the negotiation of a worthless check or other negotiable instrument; so as to increase the service charge on such worthless checks or instruments.

was read a third time at length and passed.

Yeas 21 Nays 3  
Abstaining 1

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Dial, Dixon, Ellis,  
Floyd, Foshee, Hale, Lindsey, Lipscomb, Mitchell, Owens, Parsons,  
Preuitt, Smith (J), Wilson, and Windom -21

Nays:

Senators:

Hilliard, Langford, and Sanders - 3

Abstaining: Senator deGraffenried - 1

**BUDGET ISOLATION RESOLUTION**

Senator Bedsole, B.I.R., HB 279, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Dixon,  
Ellis, Floyd, Foshee, Hale, Hilliard, Lindsey, Lipscomb, Little,  
Mitchell, Owens, Preuitt, Sanders, and Windom -20

Nays: - 0

**BILLS ON THIRD READING RESUMED****THE BILL:****H. 279.** To provide for immunity for certain persons responding  
to certain oil spills.

was taken up.

The Standing Committee on Agriculture, Conservation, and For-  
estry reported the following substitute for the Bill, HB 279, to-wit:**SUBSTITUTE FOR HB 279****A B I L L  
T O B E E N T I T L E D  
A N A C T**

To provide for immunity for certain persons responding to certain

oil spills.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Alabama Act Regarding Liability for Persons Responding to Oil Spills.

Section 2. For the purposes of this act the term:

(1) "Damages" means damages of any kind for which liability may exist under the laws of this state resulting from, arising out of, or related to the discharge or threatened discharge of oil;

(2) "Discharge" means any emission (other than natural seepage), intentional or unintentional, and includes, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying or dumping;

(3) "Federal On-Scene Coordinator" means the federal official predesignated by the U.S. Environmental Protection Agency or the U.S. Coast Guard to coordinate and direct federal responses under subpart D of the National Contingency Plan, or the official designated by the lead agency to coordinate and direct removal under subpart E, of the National Contingency Plan;

(4) "National Contingency Plan" means the National Contingency Plan prepared and published under section 311(d) of the Federal Water Pollution Control Act [33 U.S.C.1321(d)], as amended by the Oil Pollution Act of 1990, Pub. L. No. 101-380, 104 Stat. 484 (1990);

(5) "Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

(6) "Person" means an individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, or any interstate body;

(7) "Removal costs" means the costs of removal that are incurred after a discharge of oil has occurred or, in any case in which there is a substantial threat of a discharge of oil, the costs to prevent, minimize, or mitigate oil pollution from such an incident;

(8) "Responsible party" means the following:

(a) Vessels. In the case of a vessel, any person owning, operating, or demise chartering the vessel.

(b) Onshore facilities. In the case of an onshore facility (other than a pipeline), any person owning or operating the facility, except a federal agency, state, municipality, commission, or political subdivision of a state, or any interstate body, that as owner, transfers possession and right to use the property to another person by lease, assignment, or permit.

(c) Offshore facilities. In the case of an offshore facility (other than a pipeline or a deepwater port licensed under the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.), the lessee or permittee of the area in which the facility is located or the holder of a right of use and easement granted under applicable state law or the Outer Continental Shelf Lands Act (43 U.S.C. 1301-1356) for the area in which the facility is located (if the holder is a different person than the lessee or permittee), except a federal agency, state, municipality, commission or political subdivision of a state, or any interstate body, that as owner, transfers possession and right to use the property to another person by lease, assignment, or permit.

(d) Deepwater ports. In the case of a deepwater port licensed under the Deepwater Port Act of 1974 (33 U.S.C. 1501-1524), the licensee.

(e) Pipelines. In the case of a pipeline, any person owning or operating the pipeline.

(f) Abandonment. In the case of an abandoned vessel, onshore facility, deepwater port, pipeline, or offshore facility, the persons who would have been responsible parties immediately prior to the abandonment of the vessel or facility.

Section 3. (a) Notwithstanding any other provision of law, a person is not liable for removal costs or damages which result from actions taken or omitted to be taken in the course of rendering care, assistance, or advice consistent with the National Contingency Plan or as otherwise directed by the Federal On-Scene Coordinator or by any state official with responsibility for oil spill response.

(b) Subsection (a) of this section does not apply:

(1) to a responsible party;



(2) with respect to personal injury or wrongful death; or

(3) if the person is grossly negligent or engages in wanton or willful misconduct.

(c) A responsibility party is liable for any removal costs and damages that another person is relieved of under subsection (a) of this section.

(d) Nothing in this act affects the liability of a responsible party for oil spill response under state law.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Campbell, deGraffenried, Dixon, Ellis, Floyd, Ghee, Hale, Hilliard, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuitt, Sanders, Waggoner, Wilson, and Windom -21

Nays:

- 0

Senator Bedsole offered the following amendment to the Bill, HB 279, as amended by the substitute, to-wit:

**AMENDMENT TO HB 279, AS AMENDED**

Amend House Bill 279, as amended by the substitute, on page 3, line 32 by striking the word "responsibility" and inserting in lieu thereof the word:

responsible

Which was adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Dixon, Ellis, Floyd, Foshee, Hale, Hilliard, Lindsey, Lipscomb, Little,

Mitchell, Owens, Preuitt, Sanders, Smith (J), Waggoner, and Windom -22

Nays: - 0

And said Bill, HB 279, as amended by the substitute, as amended, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Floyd, Foshee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (J), Waggoner, and Windom -25

Nays: - 0

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 301.** To propose a self-executing amendment to the Constitution of Alabama of 1901, as amended, to provide for the acquisition, maintenance and protection of lands and water areas in this state having unique ecological systems, plant and animal life, geological formations, wildlife habitats, recreational value and scenic beauty; to make certain declarations of purposes and state policies regarding the protection of such lands and waters; to provide definitions of terms; to provide for management of such program and to designate categories of lands and waters to be acquired; to establish the Alabama Forever Wild Land Trust for such purposes; to provide for the establishment of a board of trustees to govern said trust, its membership, selection process, terms of office and vacancy appointments; to provide for the rights, powers, duties and responsibilities of said board; to provide for a final approval committee and its responsibilities; to provide tax deductions for property donated to the Forever Wild Land Trust; to prohibit condemnation of properties for said trust; to guarantee that the acquisition and conservation of such lands and waters will not impair existing property rights or interfere with the legitimate needs of utilities and other business organizations having the power to condemn property for public use and necessity; to provide for funding of said trust from

percentages of trust income earned from investment of funds in the Alabama Trust Fund; to provide for title to acquired property to be held by the Alabama Trust Fund Board; to provide for a stewardship account for the maintenance of properties acquired by the Forever Wild Land Trust; to provide for conservation restrictions and easements to further the program established by this Amendment; to provide for an Alabama Natural Heritage Program; to provide for the dedication of natural area preserves; to provide that after the state's 2011-2012 fiscal year, revenues directed to said Forever Wild Land Trust shall be paid to the general fund of the State of Alabama, with the exception of 2.5% of such revenues needed to continue funding of the stewardship account or as provided by the Legislature; and to provide that income generated from acquired property shall accrue to the general fund of the State of Alabama.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

**H. 871.** To authorize the city council of the City of Anniston, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by the City of Anniston, on all taxable property situated within the City of Anniston, the special ad valorem tax for public school purposes which is authorized in Amendment No. 8 to the Constitution, to a maximum rate, for any tax year of the city, which is equal to \$2.43 on each one hundred dollars (24.3 mills on each dollar) of assessed value.

Also:

**H. 886.** Relating to Lamar County, providing further for the distribution of certain funds to the Lamar County Water Authority and to rescue squads and certified fire departments.

Also:

**H. 889.** Relating to Jackson County; to amend Section 7 of Act No. 89-265 enacted at the 1989 Regular Session of the Legislature of Alabama, so as to specifically authorize the Jackson County Water Authority to sell and issue bonds of the authority; to specify the use of proceeds of such bonds and the source of payment thereof; to make certain provisions with respect to the form, terms, denominations, tenor and maturities of such bonds, the interest thereon and the method and time of computing and paying such interest; to provide for the sale, execution and delivery of such bonds; to provide for liability on such bonds and security for the payment of principal thereof and interest thereon; and to make certain other provisions with respect to the borrowing of money and the issuance of bonds or other obligations by the authority.

Also:

**H. 931.** Relating to Cleburne County; to provide that the probate judge shall provide for an additional method of ordering annual certificates of registration of boats by mail; to provide that the probate judge shall charge an additional fee to the boat owner for each such certificate issued by mail, and to provide for the disposition of such fees.

Also:

**H. 937.** Relating to Russell County; authorizing the county commission to increase the compensation for election officials who work at polling places.

Also:

**H. 939.** To authorize the City of Florala in Covington County to construct, maintain and operate a cable television service.

Also:

**H. 936.** Relating to Russell County; authorizing the county commission to increase the compensation for the members of the board of registrars.

Also:

**H. 957.** Relating to the City of Andalusia in Covington County; authorizing the governing body to levy additional ad valorem taxes for the school system and for city operations and capital expenditures, either or both; and providing for a referendum to determine which, if either, tax shall be levied.

Also:

**H. 969.** Relating to Barbour County; repealing Act No. 81-631, H. 946, 1981 Regular Session and Act No. 81-844, H. 947, 1981 Regular Session, which provide for assessments on forest lands for fire protection.

Also:

**H. 970.** Relating to Clay County; providing for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

Also:

**H. 973.** Relating to Covington County; providing for the publication of an annual financial statement.

GREG PAPPAS,  
Clerk.

### SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House

Bills, your signature thereto is requested.

**H. 680.** Relating to the City of Opelika; to provide that the City of Opelika shall not exercise police jurisdiction or taxing power in any county unless a part of its corporate limits also lies in the county.

Also:

**H. 738.** Relating to Etowah County; to provide that the probate judge shall provide for an additional method of ordering annual certificates of registration of boats by mail; to provide that the probate judge shall charge an additional \$2.00 to the boat owner for each such certificate issued by mail, and to provide for the disposition of such fees.

Also:

**H. 747.** Relating to Winston County; levying additional costs and charges of court; providing said additional costs and charges of court shall be expended for the cost of constructing, financing, planning, equipping and operating a new judicial building and jail; providing that the provisions of this act shall only become operative if approved by a majority of electors at a referendum; and to provide for the manner of conducting said referendum.

Also:

**H. 842.** Relating to the appointment of deputies in the sheriff's office of Russell County; providing for the manner of appointment and determination of number and the compensation; repealing Act No. 87-529, H. 994 of the 1987 Regular Session (Acts 1987, p. 803) which provides for additional deputies.

Also:

**H. 862.** To repeal Act No. 81-771, S. 666, 1981 Regular Session (Acts 1981, p. 1328), relating to forest fire protection in Franklin County.

Also:

**H. 866.** To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

GREG PAPPAS,  
Clerk.

**SIGNING OF BILLS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

**BUDGET ISOLATION RESOLUTION**

Senator Owens, B.I.R., HB 120, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Campbell, deGraffenried, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuit, Smith (J), Waggoner, and Windom -21

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 120.** To amend Sections 40-1-33, 40-12-390, 40-12-391, 40-12-392, 40-12-394, 40-12-396, 40-12-398 and 40-12-414, Code of Alabama 1975, relating to automotive vehicle dealers, so as to exclude certain license information from general confidentiality provisions, provide further for revocation and denial of licenses, define certain terms, provide further for requiring certain business licenses, increase the surety bonds, increase the penalty for noncompliance, authorize the revenue department to promulgate rules and regulations and to repeal Section 40-12-52, Code of Alabama 1975, which requires a privilege license for automobile salesmen.

was read a third time at length and passed.

Yeas 23 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Lindsey, Lipscomb, Mitchell, Owens, Preuit, Smith (J), Waggoner, Wilson, and Windom -23

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Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Lindsey, B.I.R., SB 56, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Dixon, Foshee, Ghee, Hale, Hilliard, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuit, Smith (J), Waggoner, Wilson, and Windom -21

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 56.** Providing certain educational assistance benefits for certain active members of the Alabama national guard.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment the Bill, SB 56, to-wit:

**AMENDMENT TO SB 56**

Amend Senate Bill 56, on Page 2, Line 4, as follows:

After the word "her" delete the word "enrollment" and add the following words in lieu thereof: "returning from a declared war zone or recognized national or international conflict and within one (1) year enrolls"

On motion of Senator Little, said amendment was laid on the table.

Yeas 12 Nays 4  
Abstaining 1

Yeas:

Senators:

Bailey, Bolling, Campbell, deGraffenried, Ellis, Foshee, Hale, Hilliard, Lindsey, Owens, Preuit, and Waggoner -12



Nays:

Senators:

Barron, Corbett, Ghee, and Sanders - 4

Abstaining: Senator Little - 1

The President and Presiding Officer of the Senate declared a quorum present but not voting.

And said Bill, SB 56, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Foshee, Ghee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuitt, Sanders, Smith (J), and Waggoner -22

Nays: - 0

#### **FURTHER CONSIDERATION OF SB 559**

The Senate proceeded to further consideration of the Bill, SB 559, as amended.

Senator Corbett offered the following amendment No. 2 to the Bill, SB 559, as amended, to-wit:

#### **AMENDMENT NO. 2 TO SB 559, AS AMENDED**

On page 2, on line 34, delete all the language and insert in lieu thereof:

\$200.00 per month for attendance and expenses of meetings.

On page 5, after line 34, insert the following language as a new Section 2 and renumber the present Section 2 as Section 3:

Section 2. The Alabama Manufactured Housing Commission shall be subject to the Alabama Sunset Law, pursuant to Chapter 20 of Title 41 of the Code of Alabama 1975.

Which was adopted.

Yeas 14 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Corbett, deGraffenried, Foshee, Hale, Horn,  
Langford, Lindsey, Lipscomb, Little, Mitchell, and Owens -14

Nays:

- 0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

And said Bill, SB 559, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Dixon, Ellis,  
Foshee, Hale, Horn, Langford, Lipscomb, Little, Mitchell, Owens,  
Preuitt, Smith (J), and Waggoner -19

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Barron, B.I.R., HB 664, adopted.

Yeas 19 Nays 1

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried,  
Denton, Dixon, Ellis, Foshee, Hale, Horn, Langford, Little, Mitchell,  
Owens, Preuitt, and Waggoner -19

Nay: Senator Corbett

- 1

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 664.** To amend Sections 8-6-10, 8-6-11 and 8-7-6, Code of Alabama 1975, relating to the Alabama Securities Commission, so as to

provide further for funding for said commission by increasing certain commission application and investigative fees as well as earmarking certain other existing securities commission application and license fees for use by the commission; and to provide for an appropriation to the Alabama Securities Commission from monies deposited in the Alabama Securities Commission Fund.

was read a third time at length and passed.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Preuitt, Smith (J), and Waggoner -21

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Bailey, B.I.R., SB 197, adopted.

Yeas 17 Nays 1

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, deGraffenried, Denton, Ellis, Foshee, Ghee, Hale, Langford, Lipscomb, Little, Mitchell, Owens, Preuitt, and Wilson -17

Nay: Senator Amari

- 1

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 197.** To establish an Act relating to preschool special education services for children with disabilities, ages 3 through 5 years, inclusive; to provide a free appropriate public education for preschool children with disabilities, ages 3 through 5 years, inclusive, in accordance with the Individuals with Disabilities Education Act, previously known as the "Education of the Handicapped Act," Public Law 91-230 and all amendments thereto.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 18 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, deGraffenried, Denton, Ellis, Foshee, Ghee, Hale, Horn, Lipscomb, Little, Mitchell, Preuit, Sanders, Waggoner, and Windom -18

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Foshee requested and received permission to suspend the Rules in order to bring up the Bill, HB 736.

Senator Foshee, B.I.R., HB 736, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, deGraffenried, Denton, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Lipscomb, Little, Mitchell, Owens, Parsons, Preuit, Waggoner, and Wilson -20

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 736.** To amend further Code of Alabama 1975, Section 32-5-313, relating to penalties for traffic infractions to provide funding for the driver education and training fund the Alabama college system truck driver training consortium fund, the catastrophic trust fund for special education, the Alabama traffic safety center fund and the state safety coordinating committee, so as to increase the penalty and to provide further for the distribution of funds.

was read a third time at length and passed.

Yeas 18 Nays 1

Yeas:

Senators:

Bedsole, Bennett, Bolling, Denton, Ellis, Foshee, Ghee, Hale, Hilliard,

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Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuit,  
Waggoner, and Wilson -18

Nay: Senator Amari - 1

**BUDGET ISOLATION RESOLUTION**

Senator Bennett requested and received permission to suspend the Rules in order to bring up the Bill, SB 302.

Senator Bennett, B.I.R., SB 302, adopted.

Yeas 18 Nays 1

Yeas:

Senators:

Bennett, Bolling, Ellis, Foshee, Ghee, Hale, Hilliard, Horn, Langford,  
Lindsey, Lipscomb, Little, Mitchell, Owens, Preuit, Smith (J),  
Waggoner, and Wilson -18

Nay: Senator Corbett - 1

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 302.** To create the Catastrophic Trust Fund for Special Education to be administered by the State Department of Education for the purpose of assisting local education agencies in providing special education services to children in catastrophic cases.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 20 Nays 0

Yeas:

Senators:

Bennett, Bolling, Corbett, Ellis, Foshee, Ghee, Hale, Hilliard, Horn,  
Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuit,  
Smith (J), Waggoner, and Windom -20

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Hilliard, B.I.R., SB 409, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Dixon, Ellis, Foshee, Ghee, Hale, Hilliard,  
Horn, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Preuit,  
Smith (J), Waggoner, and Windom -20

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 409.** To create a State of Alabama Rapid Rail Transit Commission; and to provide for its membership and duties.

was taken up.

Senator Hilliard offered the following amendment to the Bill, SB 409, to-wit:

**AMENDMENT TO SB 409**

Amend Senate Bill 409, Page 1, Line 23, by deleting the "period (.)" after the word "Commission" and inserting in lieu thereof the following:

"and the Executive Director of the Metropolitan Area Transit System of Jefferson County shall also serve as a member of said Commission."

Which was adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Dixon, Ellis, Ghee, Hale,  
Hilliard, Horn, Lindsey, Little, Mitchell, Owens, Preuit, Smith (J),  
Waggoner, and Windom -18

Nays:

- 0

And said Bill, SB 409, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

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Yeas 20   Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Dixon, Ellis, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Smith (J), Waggoner, and Windom -20

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Owens, B.I.R., SB 477, adopted.

Yeas 18   Nays 0

Yeas:

Senators:

Bennett, Bolling, Campbell, Dixon, Ellis, Ghee, Hale, Hilliard, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Smith (J), Waggoner, and Windom -18

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 477.** To further amend Section 14-2-12 of the Code of Alabama 1975, so as to authorize Alabama Corrections Institution Finance Authority to issue an additional \$25,000,000 aggregate principal amount of Bonds.

was taken up.

Senator Dixon offered the following amendment to the Bill, SB 477, to-wit:

**AMENDMENT TO SB 477**

Amend Senate Bill 477 on page 2 after line 12 by inserting the following new Section 3 and renumbering all subsequent sections accordingly:

"Section 3. The Authority shall utilize the expertise of the office of Attorney General of the State of Alabama whenever appropriate."

Senator Owens moved that said amendment be laid on the table, which motion was lost.

Yeas 6 Nays 12

Yeas:

Senators:

deGraffenried, Ellis, Hale, Hilliard, Owens, and Preuit - 6

Nays:

Senators:

Amari, Bailey, Bedsole, Bolling, Dixon, Ghee, Langford, Lindsey, Lipscomb, Little, Waggoner, and Windom -12

And said amendment was then adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Dixon, Ellis, Foshee, Ghee, Hale, Hilliard, Langford, Lipscomb, Little, Owens, Parsons, Preuit, Smith (J), Waggoner, and Windom -19

Nays: - 0

And said Bill, SB 477, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Dixon, Ellis, Foshee, Ghee, Hale, Hilliard, Langford, Lipscomb, Little, Owens, Parsons, Preuit, Waggoner, and Windom -19

Nays: - 0

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:



**S. 432.** To provide for the organization of a public corporation to be known as the Alabama International Airport Authority; to provide for the appointment of the members of the authority; to designate the officers and members of the board of directors; to provide that the state treasurer shall be custodian of the funds of the authority; to prescribe the powers of the authority including the power of eminent domain, the power to assess and collect fines, the power to appoint police officers, and the power to issue bonds or notes and to use the proceeds for any of its corporate purposes; to provide that such bonds or notes may be payable from one or more specified sources; to provide for the form of such bonds; to authorize the authority to issue refunding bonds; to provide that bonds issued or contracts entered into by the authority shall not create a debt or obligation of the state or any of its subdivisions unless so provided by amendment to the state constitution; to provide for the publication of notice of any resolution by the authority for the issuance of bonds and specifying a time after such publication in which actions and defenses may be asserted against said bonds; to provide that the authority may accept and expend federal, state, county, municipal, or other moneys made available to it to accomplish its corporate purposes; to provide that no civil action shall be brought or maintained against the authority or any of its directors for the negligence of the authority, its directors, or any of its agents, servants or employees and to provide for exceptions; to provide that any political subdivision, public corporation, or instrumentality of the state may aid and cooperate with the authority; to provide that the bonds of the authority shall be legal investments for the state, all public officers, municipal corporations, political subdivisions, public corporations, public bodies, financial institutions, insurance companies and fiduciaries; to exempt the authority, its bonds, its income and its property from all state, county and municipal taxation; to exempt the authority from all laws from which airport authorities organized pursuant to article 2 of chapter 3 of Title 4, Code of Alabama 1975, are exempt; to provide the authority with zoning powers; to provide conditions on the annexation of the authority's airports, airport facilities, other facilities and properties; to provide for the sale and distribution of alcoholic beverages and the regulation and control thereof within the authority's airports, airport facilities and other facilities and to provide to whom the airport liquor license shall be granted; to provide that authority employees shall participate in the state employees' retirement system; to provide for the disposal of lost money or property found on authority property; to provide for the regulation of parking on authority property; to provide for the dissolution of the authority; and to create a Legislative Oversight Committee.

**JIM PREUITT,**  
Chairperson.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 42.** Relating to the judicial retirement system; authorizing certain circuit judges to purchase credit for certain service as an assistant district attorney, a deputy district attorney or as an assistant attorney general for the state of Alabama; providing for the terms and manner of such purchase.

JIM PREUITT,  
Chairperson.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 558.** To amend Sections 24-5-31, 24-5-32 and 24-5-33 of the Code of Alabama 1975, relating to anchoring of mobile homes and manufactured buildings so as to provide further for anchoring such structures; and to provide further for penalties for violations.

JIM PREUITT,  
Chairperson.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McDaniel and Rich:

**H. 435.** To create a new district judgeship in Marshall County.

GREG PAPPAS,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 435 - to the Committee on Judiciary/Criminal Justice and Public Safety

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

**H. 684.** To repeal Section 36-15-5, Code of Alabama 1975, and to provide for additional personnel and further duties of the Office of the Attorney General and to establish an additional means of funding therefor and to appropriate the Fund herein created.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 684 - to the Committee on Rules

BUDGET ISOLATION RESOLUTION

Senator Foshee, B.I.R., SB 359, adopted.

Yeas 13 Nays 6

Yeas:

Senators:

Bailey, Bedsole, Bolling, Ellis, Foshee, Ghee, Hale, Lindsey,  
Lipscomb, Little, Mitchell, Owens, and Preuitt

-13

Nays:

Senators:

Bennett, Hilliard, Langford, Smith (J), Waggoner, and Windom

- 6

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

**S. 359.** To authorize the creation and incorporation of the public gas authority of Alabama as a public corporation of the state of Alabama; to authorize the authority, as sole owner in common with others, to acquire, construct, improve, equip, alter, repair, operate, and maintain projects and systems embracing the storage, acquisition, production, distribution, exploration, treatment, liquefaction, vaporization, transmission, purchase, sale, exchange or interchange of gas and to acquire, construct, and equip all property and things necessary or convenient for the purposes of such projects and systems and the acquisition, construction, maintenance and operation thereof; to confer on the authority powers to carry out its purposes including, among others, the power of eminent domain, to provide for an election committee and the selection of representatives thereto and for the nomination and selection of members of the board of directors of the authority by the election committee; to authorize the authority and certain municipal and public corporations and others to execute contracts for the use of its projects and systems and the services thereof and for the purchase of gas therefrom and to enforce the performance thereof; to authorize the authority to issue its bonds, bond anticipation notes and notes payable from the revenues and other available funds and assets of the authority in order to provide funds sufficient to carry out any of its corporate purposes and powers; to authorize the collecting and pledging of revenues and other available funds and assets of the authority for the payment of its bonds, bond anticipation notes and notes and for the cost of operating, maintaining, and repairing its projects or systems; to authorize the execution of trust and security instruments relating to the authority's property in order to secure the payment of its bonds, bond anticipation notes and notes; to provide rights for the holders of its bonds, bond anticipation notes and notes; to provide that none of such evidences of indebtedness shall constitute a debt of the state of Alabama or of any municipal or public corporation thereof except the authority; to make such evidences of indebtedness legal investments and to exempt the same and the income therefrom and interest thereon along with the authority, its income and all property (including filings with respect thereto) from taxation; to exempt the bonds, bond anticipation notes and

notes from this state's usury laws; to provide for validation of the authority's contracts and the authority's bonds and notes and the security therefor and to fix the venue and jurisdiction of actions respecting the authority; to exempt the authority from provisions of the public service commission laws, the operation of Alabama Sunset Law and from the competitive bid laws; and to provide for other matters relative to the foregoing.

was taken up.

The Standing Committee on Governmental Affairs/State Administration reported the following substitute for the Bill, SB 359, to-wit:

**SUBSTITUTE FOR SB 359**

**A B I L L  
T O B E E N T I T L E D  
A N A C T**

To authorize the creation and incorporation of the Public Gas Authority of Alabama as a public corporation of the State of Alabama; to authorize the Authority, as sole owner or in common with others, to acquire, construct, improve, equip, alter, repair, operate, and maintain projects and systems embracing the storage, acquisition, production, treatment, liquefaction, vaporization, transmission, purchase, sale, exchange or interchange of gas and to acquire, construct, and equip all property and things necessary or convenient for the purposes of such projects and systems and the acquisition, construction, maintenance and operation thereof; to confer on the Authority powers to carry out its purposes including, among others, the power of eminent domain, to provide for an Election Committee and the selection of representatives thereto and for the nomination and selection of members of the Board of Directors of the Authority by the Election Committee; to authorize the Authority and municipal corporations to execute contracts for the use of its projects and systems and the services thereof and for the purchase of gas therefrom for resale and to enforce the performance thereof; to authorize the Authority to issue its bonds, bond anticipation notes and notes payable from the revenues and other available funds and assets of the Authority in order to provide funds sufficient to carry out any of its corporate purposes and powers; to authorize the collecting and pledging of revenues and other available funds and assets of the Authority for the payment of its bonds, bond anticipation notes and notes and for the cost of operating, maintaining, and repairing its projects or systems; to authorize the execution of trust and security instruments relating to the

Authority's property in order to secure the payment of its bonds, bond anticipation notes and notes; to provide rights for the holders of its bonds, bond anticipation notes and notes; to provide that none of such evidences of indebtedness shall constitute a debt of the State of Alabama or of any municipal or public corporation thereof except the Authority; to make such evidences of indebtedness legal investments and to exempt the same and the income therefrom and interest thereon along with the Authority, its income and all property (including filings with respect thereto) from taxation; to exempt the bonds, bond anticipation notes, and notes from this state's usury laws; to provide for validation of the Authority's contracts and the Authority's bonds and notes and the security therefor and to fix the venue and jurisdiction of actions respecting the Authority; to exempt the Authority from provisions of the Public Service Commission laws, the operation of the Alabama Sunset Law of 1976 and from the competitive bid laws; to provide for other matters relative to the foregoing; to provide for the severability of the provisions of this Act; to provide an effective date; to provide for the repeal of conflicting laws; and for other purposes.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

**Section 1. Definitions.** As used in this Act, the following words shall have the following meanings unless the context clearly indicates otherwise:

(a) "Authority" means the Public Gas Authority of Alabama created pursuant to this Act and any successor or successors thereto.

(b) "Board of Directors" means the Board of Directors of the Authority.

(c) "Bond Anticipation Notes" means short-term obligations issued in anticipation of the issuance of Bonds.

(d) "Bonds" means any bonds issued by the Authority under the provisions of this Act, including refunding bonds.

(e) "Costs" means all costs of carrying out the purposes of the Authority as set forth herein, including specifically but not by way of limitation all costs of construction of any Project or a System; all costs of real and personal property required for the purposes of any Project or System and any facilities related thereto, including land and any leases, reserves, rights or undivided interests therein, easements, franchises, water rights, fees, permits, approvals, licenses, and certificates, and the expenses of securing of permits, approvals, licenses, and certificates and the preparation of applications therefor, and including all costs of ma-

chinery and equipment for any Project or System, including equipment for use in connection with the construction thereof; all costs or estimated costs of financing any Project or System; all costs of implementing and carrying out programs for the stabilization of rates charged by the Authority for Gas or services; working capital of the Authority needed prior to the acquisition or construction of any Project or System or as may be needed in connection with the operation of either thereof; interest incurred or to be incurred prior to and during construction of any Project or System or other undertaking of the Authority and during such additional period as the Authority may determine; operating and administrative expenses of the Authority incurred during such period as the Authority may determine; costs of engineering, architectural, and legal services; costs of plans and specifications and all expenses necessary or incidental to determining the feasibility or practicability of any Project or System; costs of insuring or of self-insuring any Project or System; costs of Gas purchased by the Authority for resale or Storage pending resale; amounts payable under any judgment against the Authority; disposal costs incurred by the Authority in connection with the sale or disposition of any property of the Authority, including hazardous and other wastes; all costs associated with acquiring contract rights or of other contractual arrangements for the short-term or long-term provision of Gas supplies, including reserves, and the Transmission, Storage, peaking, or other services associated therewith, including prepayments therefor; and such other expenses as may be necessary or incidental to any financing authorized by this Act, including reimbursement of any Municipal Corporation that shall have declared its intention to contract with the Authority for funds paid or advanced by them for any of the aforementioned purposes. Costs shall also include the sums required by the terms of any resolution, indenture or trust agreement to be deposited in a fund or funds created for the purposes of providing a debt service reserve for obligations of the Authority, a renewal and replacement reserve for the repair and replacement of physical assets of the Authority, and such other reserves as may be reasonably required by the Authority for the operation of its Projects and Systems and as may be authorized by any resolution, indenture or trust agreement pursuant to the provisions of which the issuance of any Bonds, Bond Anticipation Notes or Notes may be authorized. Any obligation or expense incurred by a Municipal Corporation organized under the laws of this state in respect of any of the foregoing purposes shall be regarded as a part of the Costs of a Project or System and may be paid or reimbursed out of the proceeds of Bonds, Bond Anticipation Notes or Notes issued under the provisions of this Act for such Project or System.

(f) "Election Committee" means the Election Committee of the Public Gas Authority of Alabama as created in Section 4 hereof.

(g) "Gas" means natural or synthetic gas, including manufactured, propane, methane, geothermal, or any mixture thereof, whether in gaseous or liquid form, and any byproduct resulting therefrom.

(h) "MCF" means thousand cubic feet of Gas.

(i) "Notes" means certificates, notes or evidences of indebtedness, whether long or short-term, issued by the Authority not in anticipation of the issuance of Bonds.

(j) "Municipal Corporation" means any municipal or public corporation organized in this state which now or hereafter shall own or operate a distribution system providing for the distribution of Gas either to ultimate consumers thereof or to other municipal or public corporations owning or operating such a system.

(k) "Person" means (i) a natural person, a cooperative, a private or public corporation, or an association, firm, partnership or business trust of any nature whatsoever, organized and existing under the laws of any state or of the United States, or of any other country or political subdivision thereof, including their departments, agencies or instrumentalities; (ii) any Municipal Corporation, political subdivision, governmental unit, or public corporation created under the laws of any state or of the United States; and (iii) any state or the United States and any person, board, or other body declared by the laws of any state or the United States to be a department, agency or instrumentality thereof.

(l) "Production" means the physical activities, processes, properties, and facilities for the development, manufacture, synthesis, production, coal gasification, extraction, gathering or Storage of Gas or the conversion of one form of Gas to another.

(m) "Project" means any plant, works, structure, pipeline, facility, contractual rights, and other property, real and personal and of any nature whatsoever, whether within or without the state, together with all parts thereof and appurtenances thereto, relating to or used or useful in the Storage, acquisition, Production, treatment, liquefaction, vaporization, Transmission, purchase, sale, exchange or interchange of Gas or relating to the acquisition, extraction, conversion, enrichment, transportation, Storage, or reprocessing of fuel of any kind for any of the Authority's purposes, or any interest in, or right to the use of, the services, enrichment, output, or capacity of any such plant, works, structure, pipeline or facility, as well as the purchase of Gas supply planning and development services and technical, financial, informational



and other services for any of the purposes for which the Authority shall be organized pursuant to this Act, and any other services related to the supply of Gas or the purposes of the Authority.

(n) "Revenues" means (i) all revenues, income, earnings, rents and receipts derived by the Authority from or attributable to the ownership or operation of any Project or System of the Authority, including all revenues attributable to any such Project or System, or to the payment of the Costs thereof, received by the Authority under any contract for the sale of the output, capacity, use or service of such Project or System, any part thereof or any contractual arrangements with respect to the use thereof or of any portion thereof or the output, capacity, use or service thereof, (ii) the proceeds of any insurance covering business interruption loss relating to a Project or System, (iii) interest received on any moneys or securities held by the Authority pursuant to any resolution, indenture or trust agreement duly adopted by the Authority and paid or required to be paid into any revenue fund established by such resolution, and (iv) any other moneys received by the Authority and defined as revenues in any bond resolution, indenture or trust agreement pertaining to any Bonds, Bond Anticipation Notes or Notes and to the issuance thereof.

(o) "Storage" means any process, properties, activities, or facilities used to hold, store, or maintain Gas.

(p) "System" means those properties, facilities, Projects, contractual rights, or combination of any thereof, of the Authority which are designated by the Authority as constituting a specific combination for purposes of the financing thereof or for the purpose of providing Gas supplies or services to Municipal Corporations.

(q) "Transmission" means the transfer of Gas from its acquisition site to, and the transfer of Gas between or among, distributors of Gas.

(r) "Herein," "hereby," "hereunder," "hereof," and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any of these words is used. Where used in this Act, words in the present tense shall be construed to include the future tense, the singular shall be construed to include the plural, the plural shall be construed to include the singular, and nouns and pronouns shall be construed to include all genders.

Section 2. Legislative Findings and Determinations and Purposes of Authority. (a) Municipal Corporations in this state are empowered to own and operate systems for the distribution of Gas. The legislature

finds and declares that in order to assure that the citizens of this state who receive and purchase Gas from those Municipal Corporations may obtain or continue to have adequate, dependable and economical sources of Gas, in addition to those presently available, and to assure the continued viability of such Municipal Corporations as distributors of Gas to the public, it is in the public interest that there be authorized to be created a nonprofit public corporation empowered to engage in the provision, Production, Storage and Transmission of Gas for resale to, and to provide Gas supply planning and development services and technical, financial, informational and other services to, such Municipal Corporations as may own and operate systems for the distribution of Gas to the public. The legislature further finds and declares that it is in the public interest to provide through the Authority, the organization of which is hereinafter authorized, a means by which Municipal Corporations in this state owning and operating systems for the distribution of Gas may take advantage of economies of scale and act jointly in all ways possible to accomplish the aforesaid public purposes.

(b) The purpose of the Authority shall be to acquire, construct, improve, equip, alter, repair, operate and maintain or cause to be acquired, constructed, improved, equipped, altered, repaired, operated and maintained Projects and Systems; to acquire, construct and equip all property and things necessary or convenient for the purposes of such Projects or Systems and the acquisition, construction, maintenance and operation thereof; to provide Gas and Gas supply and development services and technical, financial informational and other services to such Municipal Corporations as may own and operate systems for the distribution of Gas to the public; to take all other action as may be necessary or desirable to provide or make available adequate, dependable and economical sources of Gas, in addition to those presently available; to assure the continued viability of such Municipal Corporations as distributors of Gas to the public; to take advantage of economies of scale in the provision of adequate, dependable and economical Gas supplies and to enter into contracts, arrangements and undertakings with other Gas suppliers, which contracts, arrangements and undertakings may provide, but are not limited to providing, for the provision, sale, purchase, exchange or Transmission of Gas and services related thereto.

Section 3. Procedure for Incorporation. (a) To become a public corporation, the individuals designated as the first representatives of the Election Committee described in Section 4 hereof shall, immediately before the first meeting of the Election Committee provided for in Section 4 hereof, present to the Secretary of State of this state an application signed by them as applicants which shall set forth:

(1) The name, official designation, if any, and residence of each of the applicants;

(2) The date on which each applicant was designated a representative of the Election Committee;

(3) The name of the proposed corporation, which shall be the Public Gas Authority of Alabama;

(4) The location of the principal office of the proposed corporation, which shall be in the City of Montgomery, Montgomery County, Alabama; and

(5) Any other matter relating to the incorporation of the Authority which the applicants may choose to insert and which is not inconsistent with this Act or the laws of this state.

(b) The application shall be signed and sworn to by each of the applicants before an officer authorized by the laws of this state to take acknowledgments to deeds.

(c) The Secretary of State shall forthwith examine the application and, if he finds that it substantially complies with the requirements of this Section, he shall receive and file it, and record it in an appropriate book of records in his office.

(d) When the aforesaid application has been made, filed and recorded as herein provided, the applicants shall constitute a public corporation in perpetuity, subject to the provisions of Section 33 hereof, under the name proposed in the application, and the Secretary of State shall make and issue to the applicants a certificate of incorporation pursuant to this Act, under the Great Seal of the State of Alabama, and shall record the certificate with the application. The Authority shall be considered a "governmental entity" as described in Section 11-93-1(1), Code of Alabama 1975, as amended, for the purposes of Chapter 93 of Title 11, Code of Alabama 1975, as amended. There shall be no fees paid to the Secretary of State for any work done in connection with the incorporation of the Authority.

Section 4. Election Committee. (a) Initial Representatives; First Meeting. On or before December 31, 1991, each Municipal Corporation in this state operating a system for the distribution of Gas which shall have, prior to that date, by proper resolution of its governing body, declared its intention to contract with the Authority for the purchase of Gas from the Authority or for the provision of services from the Authori-

ty of the type provided for in this Act, shall designate one individual, who shall be a resident of this state, as its representative to a body to be known as the "Election Committee of the Public Gas Authority of Alabama." Any such resolution declaring an intention to so contract with Authority may at any time be repealed in the manner provided by law for repeal of resolutions by such governing bodies; provided, that repeal of such a resolution after the date of incorporation of the Authority shall not affect the existence of the Authority or the validity or enforceability of any contract entered into with the Authority by the Municipal Corporations repealing the resolution. Each such resolution declaring an intention to contract with the Authority shall state the amount of Gas in MCF purchased from all sources by the Municipal Corporation during the immediately preceding calendar year, and shall be presented to the Election Committee at its first meeting, which shall be held, provided that at least five such Municipal Corporations shall have theretofore declared their intention so to contract with the Authority, at 11:00 o'clock, A.M., Montgomery time, on February 3, 1992, at the offices of Alabama League of Municipalities in the City of Montgomery, Alabama, or at such other date, time and place in that city as their representatives to the Election Committee shall by majority vote designate.

(b) Organization; Nominations to Initial Board of Directors. At its first meeting, which shall not precede the issuance of the Authority's certificate of incorporation by the Secretary of State as hereinabove provided, the Election Committee shall organize and shall elect a chairman and such other officers as may be desirable in the determination of the Election Committee. The Election Committee shall then determine the sufficiency of the resolutions presented to it, the accuracy of the factual representations made therein, and the number of votes (including fractions thereof) which each representative to the Election Committee shall be entitled to cast in accordance with the provisions of paragraph (g) of this Section; such determinations of the Election Committee shall be final. Nominations for membership on the initial Board of Directors shall be received by the Election Committee prior to adjournment of its first meeting.

(c) Second Meeting; Election of Initial Board of Directors. The Election Committee shall meet for the second time within thirty (30) days of its first meeting, at such time and place as shall be designated by the Election Committee at its first meeting, to receive any other nominations to the Board of Directors of the Authority that may at that time be made. An election shall then be held; the nominees receiving the largest number of votes cast by a quorum of the Election Committee, as determined in accordance with the provisions of subsection (g)(3) of this

Section, and meeting the qualifications for membership on the Board of Directors, shall be declared to be elected as the first members of the Board of Directors. Any tie votes shall be resolved by lot in such manner as shall be prescribed by the Election Committee.

(d) Subsequent Meetings; Additional Elections. The Election Committee shall thereafter meet annually on a date not more than 30 days prior to each annual meeting of the Board of Directors and shall at such times elect as members of the Board of Directors natural persons meeting the qualifications for membership thereon to fill the vacancies, if any, created by the expiration of the terms of office of members of the Board of Directors which will expire at the conclusion of such annual meeting. Further, at every meeting of the Election Committee immediately following the filling by the Board of Directors, as hereinbelow provided, of a vacancy or vacancies thereon, the Election Committee shall elect as members of the Board of Directors natural persons meeting the qualifications for membership thereon to fill the remainder, if any, of the unexpired term or terms for which such vacancy or vacancies were filled by the Board of Directors; upon such election by the Election Committee, the membership on the Board of Directors of the member or members previously elected by the remaining members of the Board of Directors to fill such vacancy or vacancies shall terminate.

(e) Additional Representatives. Following the election of the first members of the Board of Directors, each Municipal Corporation operating a system for the distribution of Gas that is not otherwise entitled to representation on the Election Committee and that subsequently declares its intention to contract with the Authority by proper resolution of its governing body for the purchase of Gas or for the provision of services from the Authority shall designate a representative to the Election Committee in the same manner as provided for in paragraph (a) of this Section no more than thirty (30) days following the adoption of any such resolution by the governing body of such Municipal Corporation so declaring its intention to contract with the Authority. Any such additional representative so designated shall be entitled to serve as a representative to the Election Committee and cast votes at meetings thereof in the same manner as all other representatives to the Election Committee beginning with the meeting of the Election Committee next following such designation.

(f) Term of Office. Representatives to the Election Committee shall serve at the pleasure of the governing body of the Municipal Corporation by which they were appointed.

(g) Distribution of Votes. (1) In each election held by the

Election Committee to elect members to the Board of Directors prior to such time as a Project or System or a contract or facility of the Authority for the provision of Gas or services by the Authority shall become operative, as determined by the Authority, each Municipal Corporation entitled to representation on the Election Committee shall have and shall be entitled to have its representative to the Election Committee cast: (i) one whole vote; plus (ii) an additional vote or votes (including fractions thereof) to be determined by arriving at a percentage by dividing the annual quantity of MCF purchased during the immediately preceding calendar year from all sources by such Municipal Corporation by the total of the annual quantities of MCF purchased from all sources during the immediately preceding calendar year by all Municipal Corporations entitled to representation on the Election Committee at the time of such election, and applying this percentage to the total number of Municipal Corporations entitled at such time to representation on the Election Committee.

(2) Following such time as a Project or System or a contract or facility of the Authority for the provision of Gas or services by the Authority shall become operative, as determined by the Authority, each Municipal Corporation entitled to representation on the Election Committee shall have and shall be entitled to have its representative to the Election Committee cast, in each election held by the Election Committee to elect members to the Board of Directors: (i) one whole vote; plus (ii) an additional vote or votes (including fractions thereof) to be determined by arriving at a percentage by dividing the annual quantity of MCF purchased from the Authority by such Municipal Corporation during the immediately preceding calendar year by the total of the annual quantities of MCF purchased from the Authority during the immediately preceding calendar year by all Municipal Corporations entitled to representation on the Election Committee at the time of such election, and applying such percentage to the total number of Municipal Corporations entitled at such time to representation on the Election Committee; plus (iii) an additional vote or votes (including fractions thereof) to be determined by arriving at a percentage by dividing the total amount charged by the Authority to such Municipal Corporation for services other than Gas provided by the Authority during such year by the total amount charged by the Authority to all Municipal Corporations entitled to representation on the Election Committee at the time of such election for such services provided by the Authority during such year, and applying such percentage to the total number of Municipal Corporations entitled at such time to representation on the Election Committee.

(3) The presence at any meeting of the Election Committee of

representatives entitled to cast two-thirds of the total votes to which all the representatives to the Election Committee shall then be entitled shall constitute a quorum of the Election Committee.

(4) In determining the number of votes which any representative to the Election Committee shall be entitled to cast as hereinabove provided, the Election Committee is authorized to round fractional votes to the nearest 1/1000.

Section 5. Board of Directors. (a) Responsibilities. The business, affairs and property of the Authority shall be managed by its Board of Directors and the Board of Directors shall be and hereby is charged with the responsibility of taking such actions as shall, in the unrestricted judgment of the Board of Directors, be practicable, reasonable and economically beneficial to those Municipal Corporations contracting with the Authority.

(b) Number. The number of members to serve on the Board of Directors of the Authority shall be determined by the Election Committee at its first meeting and at each annual meeting thereafter and shall consist of an odd number of members numbering not less than five nor more than fifteen, each of whom shall be elected as provided in Section 4 of this Act.

(c) Qualification Requirements. Each member of the Board of Directors shall be a qualified elector residing in this state. Representatives to the Election Committee shall be eligible for membership on the Board of Directors, and members of the Board of Directors shall be eligible to succeed themselves in office.

(d) Terms of Office. Members of the Board of Directors shall serve staggered terms of office. Staggered terms of office shall be determined by dividing the total number of directors to be elected to the Board of Directors into three groups, with each group containing as nearly as possible, an equal number of directors. The terms of office of members in the first group shall expire at the adjournment of the first annual meeting of the Board of Directors after their election; the terms of the second group shall expire at the adjournment of the second annual Board of Directors meeting after their election; and the terms of the third group, if any, shall expire at the adjournment of the third annual meeting of the Board of Directors after their election. At each annual meeting of the Election Committee held after the election of initial members to the Board of Directors, directors shall be chosen by the Election Committee for a term of three years to succeed those whose

terms expire. In the year in which a member's term is to expire, his term shall not expire until (i) the adjournment of the annual meeting of the Board of Directors for that year, and (ii) unless a successor is elected or there is a decrease in the number of members of the Board of Directors resulting in the elimination of the member's seat on the Board of Directors.

(e) Vacancy. Any vacancy occurring in the membership of the Board of Directors shall be temporarily filled by a natural person meeting the qualifications therefor who shall be elected by the then remaining members of the Board of Directors and who shall serve as a member of the Board of Directors until the next meeting of the Election Committee at which the Election Committee shall elect as a member of the Board of Directors a natural person meeting the qualifications therefor to fill such vacancy for the remainder of the then unexpired term for which such vacancy was temporarily filled by the Board of Directors.

(f) Quorum; Location of Meetings. At all meetings of the Board of Directors, the presence in person of a majority of the members thereof then in office shall constitute a quorum for the transaction of business, and the affirmative vote of a majority of the quorum present at any meeting shall be necessary for any action of the Authority. No vacancy in the membership of the Board of Directors shall impair the right of the majority of the members of the Board of Directors then in office to exercise all the rights and perform all the duties of the Authority which the Board of Directors may exercise and perform. If at any meeting there is present less than a majority of the members thereof then in office, a majority of those present may adjourn the meeting to a fixed time and place, and notice of such time and place shall be given in accordance with subsection (c) of Section 6 hereof, provided that if such notice cannot reasonably be provided, notice, if any, of such adjourned meeting shall be given as promptly and as far in advance thereof as shall be reasonably practicable. Meetings of the Board of Directors may be held within or without the State of Alabama.

Section 6. Meetings of Board of Directors. (a) Annual Meetings. Annual meetings of the Board of Directors shall be held each year on the anniversary date of the first meeting thereof unless the date of the annual meeting shall otherwise be fixed by resolution of the Board of Directors; in any event, if the date set for the annual meeting of the Board of Directors is a legal holiday, the annual meeting shall be held on the next secular day following. No notice shall be required for any annual meeting of the Board of Directors.

(b) Special Meetings-Call. Special meetings of the Board of



Directors shall be called by resolution of the Board of Directors, by the chairman or vice chairman of the Authority, or upon the written request of at least three members of the Board of Directors.

(c) Special Meetings-Notice. Written notice of all special meetings of the Board of Directors shall be mailed or delivered to each member of the Board of Directors not less than three days prior to the date of any such meeting.

(d) Special Meetings-Waiver of Notice. Notice of a special meeting of the Board of Directors need not be given to any member thereof who signs a waiver of notice thereof either before or after such meeting. Attendance of a member of the Board of Directors at a special meeting thereof shall constitute a waiver of notice of such special meeting and a waiver of any and all objections to the place or time of such special meeting or to the manner in which it has been called or convened, except when a member states at the beginning of the special meeting any objection or objections to the transaction of business. Neither the business to be transacted at, nor the purpose of, any special meeting of the Board of Directors need be specified in any notice or waiver of notice of special meetings.

(e) Regular Meetings. In addition to the annual meeting of the Board of Directors, regular meetings thereof may be established by resolution of the Board of Directors; and no notice, other than notice of the adoption of a resolution conveyed to any member of the Board of Directors who was absent when it was adopted, shall be required for any regular meeting. Notice of the adoption of a resolution establishing regular meetings of the Board of Directors shall be given to any member of the Board of Directors who was absent when the resolution was adopted by mailing or delivering a copy of the resolution to each absent member of the Board of Directors at least ten (10) days prior to the date of the regular meeting.

(f) Action Without A Meeting. Any action which may be taken at a meeting of the Board of Directors, may be taken without a meeting if a consent in writing setting forth the action so taken shall be signed by all members of the Board of Directors, and any consent so signed shall have the same effect as a unanimous vote of the members of the Board of Directors.

Section 7. Officers. The Board of Directors shall elect as officers of the Authority a chairman, a vice chairman, a secretary-treasurer, an assistant secretary-treasurer, and any other officers which the Board of

Directors from time to time may deem necessary. The chairman and vice chairman shall be elected from the members of the Board of Directors. All officers shall serve for terms of one year terminating at the next annual meeting of the Board of Directors as shall be prescribed by resolution of the Board of Directors or until their successors are elected and qualified. Any one or more of the natural persons employed or engaged by the Authority may be elected as assistant secretary-treasurer of the Authority and may be given the duties of keeping the books, records, and minutes of the Authority; of giving all notices required by Sections 5 and 6 hereof; and such other duties or functions of the office of secretary-treasurer as the Board of Directors may determine. The bylaws of the Board of Directors may provide for the removal from office of any officer prior to the expiration of his term for such cause or causes as shall be set out therein. An assistant secretary-treasurer elected by the Board of Directors pursuant to this Section shall serve at the pleasure of the Board of Directors.

Section 8. Compensation; Bylaws and Personnel. The members of the Board of Directors shall not be entitled to compensation for their services, but may be reimbursed by the Authority for their actual expenses properly incurred in the performance of their duties. The Board of Directors shall make bylaws, rules and regulations for its own government and may retain, employ, and engage all necessary staff and personnel, including professional and technical advisors, assistants, and experts and other agents and employees, whether temporary or permanent, as it may require. The bylaws of the Board of Directors may provide for the removal of members thereof in the event of disability or excessive absenteeism from meetings. The words disability and excessive absenteeism for purposes of the bylaws may be defined by the Board of Directors in such manner as it may reasonably determine.

Section 9. Books and Records. The Authority shall keep suitable books and records of all its obligations, contracts, transactions and undertakings; of all income and receipts of every nature; and of all expenditures of every kind.

Section 10. Powers of Authority. The Authority shall have all powers necessary or convenient to carry out and effectuate the purposes of the Authority and the provisions of this Act including, but without limiting the generality of the foregoing, the following powers:

(a) Litigation. To sue and be sued in contract and in tort and to complain and defend in all courts;

(b) Seal. To adopt and to alter a corporate seal;

(c) Acquisition of Property. To acquire in its own name real property or rights and easements therein, rights-of-way, franchises and personal property necessary or convenient for its purposes, by purchase, on the terms and conditions and in a manner as it may deem proper, or by the exercise of the power of eminent domain now or hereafter conferred on municipalities in this state or by gift, grant, lease, or otherwise; to insure the same against any and all risks as insurance may, from time to time, be available; and to use property, rent or lease the same to or from others, make contracts with respect to the use thereof, or sell, lease, or otherwise dispose of any the property in any manner it deems to the best advantage of the Authority and the purposes thereof, including the power to acquire, use, and dispose of any interest in the property, whether divided or undivided, which acquisition may result in the ownership of such property or any part thereof in common with any other party, whether public or private; provided, however, that the afore-said power of eminent domain may not be exercised by the Authority to acquire real property known to be significantly underlain by a salt dome or similar cavity suitable for use in the storage of Gas or any real or personal property or right-of-way of any utility as the term "utility" is defined in Section 37-4-1(7)(b) or of any natural-gas company as the term "natural-gas company" is defined in 15 U.S.C. §71 7(a)(6)(1988).

(d) Officers and Employees. To appoint and select officers and employees, and to fix their compensation;

(e) Gas Supply. To acquire, by purchase or otherwise, in whole or in part (inside or outside this state), and to place into operation and operate or cause to be placed into operation and operated, either as owner of all or of any part in common with others or an agent, Projects and Systems; to provide services related thereto; to acquire and to provide, by sale or otherwise, an adequate, dependable and economical Gas supply to Municipal Corporations contracting with the Authority and, as agent for these Municipal Corporations, to enter into Gas contracts and arrangements; to purchase Gas at retail or wholesale from any other Person; to purchase or construct part of the capacity of Projects or Systems sponsored and owned by or in common with others, making any purchase at wholesale or retail (inside or outside this state); to execute long-term or short-term Gas purchase or sale contracts on terms which may include agreements with respect to resale rates and the disposition of revenues; to interchange, exchange, store, and purchase Gas from any Person; to purchase, sell or lease Projects or Systems, in whole or in part; and and to erect, buy, sell, lease, or otherwise acquire, maintain, and operate or cause to be maintained and operated plants, underground subways, conduits, and pipelines above, upon, and under

the streets, alleys, lands, and territories of Municipal Corporations, public or private corporations, or individuals; all in the exercise of the powers of the Authority and to effectuate the purposes of this Act;

(f) Contracts. To contract with Persons inside and outside this state for the construction or operation of Projects or Systems, which contracts for construction or operation may be made either as sole owner of the Project or System or as owner, in common with other Persons, of any divided or undivided interest therein; to make contracts for the provision, purchase, sale, exchange, interchange, pooling, Transmission, or Storage of Gas and fuel of any kind for any purpose, in such amounts as it shall determine to be necessary and appropriate in order to make the most effective use of its powers and to meet its responsibilities, on such terms and for any period of time, not exceeding fifty (50) years, as the Authority shall determine, including, without limitation, the power to make contracts for furnishing Gas, Gas supply planning and development services, technical, financial, informational and other services related to the purposes of this Act to Municipal Corporations contracting with the Authority.

(g) Agreements Relating to Ownership, Construction, Operation and Maintenance. To exercise any one or more of the powers, rights, and privileges conferred by this Act either alone or jointly or in common with one or more Persons in the exercise of powers, rights, and privileges jointly or in common with others with respect to the construction, operation, and maintenance of Projects or Systems, to own an undivided interest therein with any other Persons; to enter into agreements with respect to any Gas, Storage, manufacturing, or Transmission facilities with the other parties participating therein, containing such terms, conditions, and provisions consistent with this Act as the parties thereto shall deem to be in their best interests, including, but not limited to, provisions for the construction, operation, and maintenance of such Gas, Storage, manufacturing, or Transmission facilities by any one or more of the parties to such agreement, which party or parties shall be designated in or pursuant to such agreement as agent or agents on behalf of itself and one or more of the other parties thereto, or by such other means as may be determined by the parties thereto, and including provisions for methods of determining and allocating among or between the parties the costs of construction, operation, maintenance, renewals, replacements, improvements, and disposals with respect to such facilities; provided that, in carrying out its functions and activities as an agent with respect to the construction, operation, and maintenance of any such facilities, such agent shall be governed by the laws and regulations applicable to an agent as a separate legal entity, and not by any laws or regulations which may be applicable

to any of the other participating parties; to delegate pursuant to the terms of any such agreement, the Authority's powers and duties with respect to the construction, operation, and maintenance of any such facilities to the party acting as agent; and to provide that all actions taken by an agent in accordance with the provisions of such agreement may be made binding upon the Authority without further action or approval by the Authority;

(h) Gifts, Grants and Transfers of Property. To accept, receive, and administer gifts, grants, appropriations, and donations of moneys, materials, and property of any kind, including loans and grants from the United States or the State of Alabama or any agency, department, authority, or instrumentality of either, upon the terms and conditions as the United States, the State of Alabama, or any such agency, department, authority, or instrumentality shall impose; and to sell, lease, transfer, convey, appropriate, and pledge any and all of its property and assets;

(i) Investments. Subject to any agreement the Authority may enter into with the holders of its Bonds, Bond Anticipation Notes or Notes, and subject to the terms of any resolution, indenture or trust agreement entered into by the Authority, to invest any moneys of the Authority, any accumulation of its funds and any sinking fund or reserves not required for immediate use, including proceeds from the sale of any Bonds, Bond Anticipation Notes or Notes, in any manner that the Authority considers prudent, including entering into hedging, options and futures transactions, notwithstanding any other law of this state relating to investment of public funds, and to purchase its own Bonds, Bond Anticipation Notes and Notes;

(j) Investment Techniques. To employ any investment and money-management techniques as the Authority shall determine to be prudent and not inconsistent with this Act or the other laws of the State of Alabama including, without limitation, entering into interest payment exchange agreements and other arrangements for restructuring the Authority's indebtedness;

(k) Reducing Cost of Gas. To do any and all things necessary to reduce the cost of Gas furnished to Municipal Corporations;

(l) Technical Services, etc. To provide management, technical, financial, informational, promotional, educational, management services and Gas supply planning and development services to and for the benefit of Municipal Corporations;

(m) General. To do any and all things necessary or proper for the accomplishment of the objectives of this Act and to exercise any

power usually possessed by private corporations performing similar functions which is not in conflict with the Constitution and laws of this state, including:

(A) Employment of professional and administrative staff and personnel and retaining of legal, accounting, financial, architectural engineering, and other professional services;

(B) Purchase of all kinds of insurance, including, without limitation, insurance against tort liability and against risks of damage to property;

(C) Borrowing of money for any of the purposes of the Authority;

(D) Power to indemnify and hold harmless any parties contracting with the Authority or its agents from damage to Persons or property; and

(E) Power to act as self-insurer with respect to any loss or liability; and

(n) Bonds. To issue and sell, for the purpose of paying Costs as defined herein, its Bonds as provided in this Act in evidence of indebtedness incurred with respect to the powers described in this Act, said Bonds to be payable from the Revenues of any of the Projects or Systems of the Authority and other available funds and assets of the Authority as designated in the resolution, indenture or trust agreement pertaining to such Bonds; to execute indentures or trust agreements; to sell, convey, pledge, and assign any and all of its Revenues, other available funds, assets, property, and income as security for the payment of its Bonds; and to provide for the payment of the same and for the rights of the holders thereof.

Section 11. Not-for-Profit. The Authority shall not operate or construct any Project or System for profit, except insofar as any such profit will inure to the benefit of the public. The Authority shall fix its rates, fees and charges consistent with this declaration of policy and in such manner as will result in the production of Revenues only in amounts sufficient, together with all other funds of the Authority: (a) to pay the principal or purchase price of and premium, if any, and interest on Bonds and all other indebtedness and contractual obligations of the Authority; (b) to provide for maintenance and operation of its Projects and Systems; (c) to provide for payment of any judgment against the Authority; (d) to maintain such reserves as shall have been created in amounts sufficient in the judgment of the Authority for the security of its Bonds and other obligations; (e) to pay expenses incurred or to be

incurred by the Authority in connection with its operations; (f) to pay the Costs of Projects and (g) to provide funds for the improvement, replacement, or expansion of Projects or Systems, the provision of services of the Authority and to carry out any of its purposes.

**Section 12. Public Property; Tax Exemption.** The Authority and the carrying out of its purposes being for the benefit of the public, the property of the Authority is declared and shall be in all respects considered to be public property. Title to the Authority's property shall be held by the Authority only for the benefit of the public. The Authority and all its property, income, obligations, leases, mortgages, lien notices or other filings (including conveyances by or to the Authority) with respect to the property of the Authority, shall be exempt from all taxation in this state, including without limitation, income, ad valorem, excise, sales and use, franchise, privilege and license taxation. All Bonds, Bond Anticipation Notes and Notes of the Authority, the interest thereon, the income therefrom and the transfer thereof shall be exempt from all taxation in this state.

**Section 13. Contracts.** The Authority may contract with any Municipal Corporation for the payment of such rates, fees and charges as may be prescribed by the Authority for Gas and services and for use of its Projects or Systems as shall be provided by the Authority pursuant to the authorization therefor contained in this Act. Any such contract entered into pursuant to this Section may provide for the purchase of Gas or services from the Authority and may provide for all of the Gas requirements of the Municipal Corporation's gas distribution system or for a portion of such requirements or may provide for the purchase by that Municipal Corporation of a specified portion of the output or volume of a particular Project or System. Any such contract may, to the extent not prohibited by provisions of the Constitution of Alabama of 1901, also provide that the Municipal Corporation entering into any such contract shall be obligated to make payments to the Authority thereunder, whether or not a Project or System is completed, operable, or operating; whether or not the output, volume, capacity, or service of a Project or System is suspended, interrupted, interfered with, reduced, or curtailed, whether or not the Gas or services contracted for in any such contract are furnished, made available, or delivered, and regardless of the performance or nonperformance of the Authority or another Municipal Corporation contracting with the Authority. Any such contract may, to the extent permissible under the provisions of the Constitution of Alabama of 1901, provide that if another Municipal Corporation defaults in the payment of its obligations to the Authority then the Municipal Corporation that is a party to such contract shall pay for, be entitled to, and may use or otherwise dispose of its proportionate share of the services or Gas

that was to be purchased by the defaulting Municipal Corporation or other Person. Any such contract may also obligate such Municipal Corporation to pay to the Authority for such services or Gas such amounts as the Authority may determine to be necessary or desirable in order to establish reserves for rate stabilization purposes.

**Section 14. Issuance of Bonds.** (a) General. Bonds may be issued to pay the Costs of carrying out any of the purposes of the Authority, including the acquisition, construction, reconstruction, improvement, equipping, alteration, repair, or extension of any Project or System, and the issuance of Bonds, in anticipation of the collection of the Revenues from such Project or System. Bonds may also be issued to pay off, refund, or refinance any outstanding Bonds, Bond Anticipation Notes, Notes or other obligation of any nature owed by the Authority, whether or not such Bonds, Bond Anticipation Notes, Notes or other obligations shall then be subject to redemption; and the Authority may provide for such arrangements as it may determine for the payment and security of the Bonds being issued or for the payment and security of the Bonds, Bond Anticipation Notes or Notes or other obligations to be paid off, refunded, or refinanced. Bonds may be issued by the Authority without limit as to principal amount. Unless otherwise provided therein, any resolution of the Board of Directors authorizing the issuance of the Bonds shall take effect immediately and need not be published or posted. The Authority shall, prior to the adoption of a resolution authorizing the issuance of Bonds as hereinabove provided, enter into one or more contracts of the type described in Section 13 hereof with no less than two Municipal Corporations.

(b) Bond Provisions. Bonds issued under this Act may be issued in one or more series; may bear such date or dates, may mature at such time or times, not exceeding fifty (50) years from their respective dates, may bear interest at such rate or rates (that may be fixed or may vary in accordance with a specified formula or method of determination) payable at such time or times, may be made payable in such medium of payment at such place or places, may be in such denominations, may be in such form, either coupon or fully registered without coupons, may carry such registration, conversion, and exchangeability privileges, may be declared or become due before the maturity date thereof, may provide such call or redemption privileges, may have such rank or priority, and may contain such other terms, covenants, assignments, and conditions as the resolution of the Board of Directors authorizing the issuance of the Bonds or any indenture or trust agreement pertaining thereto may provide. The Authority may sell its Bonds in such manner, at such price or prices, and upon such terms and conditions as shall be determined by the Authority. The Authority may arrange for insurance contracts,



surety bonds, letters of credit, lines of credit, remarketing agreements, commitments to purchase or other liquidity or credit support mechanisms to provide security for and to assure timely payment of its Bonds. The Authority may by resolution of the Board of Directors delegate to those officers, employees or agents of the Authority designated by the Board of Directors for such purpose the power to authorize the issuance and sale of Bonds and to fix, within limits prescribed in the resolution providing for their issuance, the time and manner of their sale, maturities, date or rates of interest and other terms and conditions that such officer, employee, or agent shall consider appropriate.

(c) Form of Bonds. The Bonds shall be signed by the chairman or other authorized officer of the Authority; the corporate seal of the Authority shall be impressed, imprinted, or otherwise reproduced on the Bonds; and the Bonds shall be attested by the signature of the secretary-treasurer or an assistant secretary-treasurer of the Authority. The signatures of the officers of the Authority and the seal of the Authority upon any Bond issued by the Authority may be by facsimile if the instrument is authenticated or countersigned by a trustee or other authenticating agent other than the Authority itself or an officer or employee of the Authority. All Bonds issued under authority of this Act bearing signatures or facsimiles of the signatures of officers of the Authority in office on the date of the signing thereof shall be valid and binding, notwithstanding that before the delivery thereof and payment therefor such officers whose signatures appear thereon shall have ceased to be officers of the Authority. Pending the preparation of definitive Bonds, interim receipts or temporary Bonds, in such form and with such provisions as the Authority may determine, may be issued to the purchaser of Bonds to be issued under this Act.

(d) Bond Covenants. Any resolution authorizing the issuance of Bonds and any indenture or trust agreement entered into under this Act to finance in whole or in part the acquisition, construction, reconstruction, improvement, equipment, alteration, repair, or extension of any Project or System may contain covenants as to:

(1) The rates, fees and charges to be charged for services or Gas to be provided by the Project or System;

(2) The use and disposition of the Revenues to be derived from the Project or System;

(3) The creation and maintenance of reserves or sinking funds and the regulation, use, and disposition thereof, including a debt service reserve, renewal and replacement reserve or other capital improvement

reserve, and including any other reserves as may be reasonably required by the Authority for the operation of its Projects or Systems and as may be authorized by the resolution pursuant to which the issuance of the Bonds may be authorized or by the trust agreement or indenture securing such Bonds;

(4) The purposes to which the proceeds of the sale of the Bonds may be applied, and the use and disposition of those proceeds;

(5) Events of default and the rights and liabilities arising thereupon, the terms and conditions upon which Bonds shall become or may be declared due before maturity, and the terms and conditions upon which that declaration and its consequences may be waived;

(6) The issuance of additional Bonds or other obligations of the Authority payable from or as a charge against the Revenues of any Project or System;

(7) The insurance to be carried on a Project or System and the use and disposition of insurance proceeds;

(8) Books of account and inspection and audit thereof;

(9) Limitations or restrictions on the power to lease or otherwise dispose of a Project or System while any of the Bonds or other obligations related thereto or any of the interest thereon shall remain outstanding and unpaid; and

(10) The operation and maintenance of any Project or System of the Authority and of the Authority itself.

(e) Bonds Constitute a Contract. The provisions of this Act and of any resolution of the Authority providing for the issuance of Bonds and the provisions of any indenture or trust agreement entered into pursuant to this Act shall be a contract with every holder of such Bonds, and the duties of the Authority under this Act and under any such resolution, indenture, or trust agreement shall be enforceable by any holder thereof by mandamus or other appropriate action or proceeding at law or in equity.

Section 15. Validation of Bonds and Contracts. (a) Except as otherwise provided in this section, the validity of any Bonds may be determined in the manner provided in Sections 11-81-220 through 11-81-227, Code of Alabama 1975, as amended; provided that, as used in those sections: the term "unit" shall mean the Authority; the term

"organizing subdivision" shall mean the State of Alabama; the term "obligations" shall include, in addition to the evidences of indebtedness listed in Section 11-81-220(3), all contracts described in Section 13 of this Act; and the term "district attorney" shall mean the Attorney General of the State of Alabama; and provided further, that the Authority shall not be required to specify in its complaint when, where, and in what amounts principal and interest on the Bonds are to be paid; and provided further, that in its complaint the Authority may, when stating the amount of obligations to be issued, state the principal amount of Bonds to be issued, whether the Bonds are to be issued in separate series or installments from time to time, and in stating the maximum rate of interest the Bonds are to bear, state a maximum per annum rate of interest or in the event the Bonds or any series or installment thereof are to bear different rates of interest for different maturity dates that none of the rates will exceed the maximum rate specified in its complaint; and provided further, that nothing contained herein shall be construed as prohibiting or restricting the right of the Authority to sell its Bonds at a discount, even if in so doing the effective interest cost resulting therefrom would exceed the maximum per annum interest rate specified in the Authority's complaint. Publication of a notice to the taxpayers and citizens of the State of Alabama shall be made in the manner and at the times specified in Section 11-81-222(d). A statement of certification shall be made as provided in Section 11-81-225, and, together with a facsimile of the signature of the clerk of the circuit court in lieu of the clerk's manually signing the same, shall be stamped, printed or otherwise reproduced on those of the Bonds validated pursuant hereto. The clerk of the circuit court shall receive no fee or other compensation in connection with the preparation of the certification described in this Section.

(b) When payments which are to be made by Municipal Corporations pursuant to contracts entered into under Section 13 hereof are pledged as security for the payment of Bonds sought to be validated, the complaint for validation shall make make parties defendant to that action every Municipal Corporation which has contracted with the Authority for the use of the services, facilities and commodities of the Project or System which the Bonds sought to be validated are to be issued to pay the Costs thereof. Notice to the taxpayers and citizens of each such Municipal Corporation shall be made as provided in Section 11-81-222(d). Every other party, public or private, contracting with the Authority in any manner with relation to the construction, ownership or operation of the Project or System which the Bonds sought to be validated are to be issued to pay the Costs thereof may also be made parties defendant to that action.

Section 16. Legal Investments. The Bonds, Bond Anticipation Notes, and Notes authorized by this Act shall be securities in which:

- (1) All public officers and bodies of this state;
- (2) All political subdivisions and public corporations;
- (3) All insurance companies and associations, and other Persons carrying on an insurance business;
- (4) All banks, bankers, trust companies, saving banks, and savings associations, including savings and loan associations, building and loan associations, investment companies, and other Persons carrying on a banking business;
- (5) All administrators, guardians, executors trustees, and other fiduciaries; and
- (6) All other Persons whatsoever who are authorized to invest in bonds or other obligations of the State of Alabama

may properly and legally invest funds, including capital in their control or belonging to them. Such Bonds, Bond Anticipation Notes and Notes shall also be securities which may be deposited with and shall be received by all public officers and bodies of this state and its political subdivisions for any purpose for which deposit of the bonds or other obligations of this state is authorized.

Section 17. Pledge of Revenues. (a) Revenues Pledged as Security for Bonds. All Revenues, other available funds and assets of the Authority, regardless of whether those Revenues, other available funds and assets were derived from the operation of a Project or System for which Bonds are to be issued to pay the Costs thereof, may be pledged by the Authority to the payment of the principal of and interest on Bonds of the Authority in such manner as may be provided in any resolution authorizing the issuance of such Bonds or in any indenture or trust instrument pertaining thereto.

(b) Revenues May Be Set Aside Into Sinking Funds. Revenues, funds and assets so pledged, from whatever source received, may be set aside at regular intervals into sinking funds for which provision may be made in any such resolution, indenture or trust agreement, which sinking funds may be pledged to and charged with the payment of:

- (1) The interest on Bonds as such interest shall become due;

(2) The principal of Bonds as the same shall mature;

(3) The necessary charges of any trustee, paying agent, or registrar respecting Bonds; and

(4) Any premium required to be paid on Bonds retired upon call or purchase.

(c) Use and Disposition of Sinking Funds. The use and disposition of any sinking fund may be subject to regulations for which provision may be made in the resolution authorizing the issuance of Bonds or in the indenture or trust agreement securing the payment of the same.

Section 18. Indenture or Trust Agreement. (a) Assignment of Proceeds. In the discretion of the Authority, any issue of Bonds may be secured by an indenture or trust agreement made by the Authority with a corporate trustee, which may be any trust company or bank having the powers of a trust company inside or outside this state. Such indenture or trust agreement may pledge or assign any or all Revenues, any other available funds and assets anticipated to be received by the Authority and any proceeds which may be derived from the issuance of Bonds or from the disposition of any real or personal property of the Authority or proceeds of insurance carried thereon.

(b) Protection of Rights of Bondholders. The resolution providing for the issuance of Bonds and such indenture or trust agreement may contain provisions for protecting and enforcing the rights and remedies of the holders of Bonds, including the right of appointment of a receiver upon default in the payment of any principal or interest obligation and the right of any receiver or trustee to enforce collection of any rates, fees and charges for the use of the services or facilities of any Project or System necessary to pay all costs of operation and all reserves provided for, the principal of and interest on all Bonds in the issue, all costs of collection, and all other costs reasonably necessary to accomplish the collection of those sums in the event of any default of the Authority.

(c) Miscellaneous Covenants Concerning Authority. The resolution providing for the issuance of Bonds and such indenture or trust agreement may include covenants setting forth the duties of the Authority regarding the acquisition of property for and the construction of Projects or Systems and regarding the custody, safeguarding, and application of all funds and assets of the Authority, including any proceeds derived from the disposition of any real or personal property of the Authority or

proceeds of insurance carried thereon. In addition, such resolution, indenture or trust agreement may include covenants providing for the operation, maintenance, repair, and insurance of a Project or System and may contain provisions concerning the conditions, if any, upon which additional Bonds may be issued.

(d) Rights of Bondholders and Trustee. The resolution providing for the issuance of Bonds and such indenture or trust agreement may set forth the rights and remedies of the bondholders and of the trustee; may restrict the individual right of action of any bondholders in any manner that is customary in securing bonds and debentures of corporations; and may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders.

(e) Expenses. All expenses incurred in carrying out any resolution, indenture or trust agreement under this Section may be treated as a part of the cost of maintenance, operation, and repair of the Project or System affected by the indenture or trust agreement.

Section 19. Proceeds of Bonds. (a) Disbursement Upon Requisition. Proceeds of the Bonds issued under authority of this Act shall be disbursed upon requisition or order of such individual and under such restrictions as the resolution authorizing the issuance of Bonds or the indenture or trust agreement may provide.

(b) If Proceeds Are Less Than Cost of Project or System. If the proceeds of Bonds, including all series or installments of such issue, by error of calculation or otherwise, are less than the Costs of a particular Project or System or the Costs of other purposes of the Authority financed thereby, then, unless otherwise provided in the resolution authorizing the issuance of such Bonds or in the indenture or trust agreement, additional Bonds may in like manner be issued, subject to the requirements of subsection (a) of Section 15 hereof, to provide the amount of the deficit. Unless otherwise provided in the resolution authorizing the issuance of the Bonds or in the indenture or trust agreement with respect thereto, such additional Bonds shall be deemed to be of the same issue and shall be entitled to payment from the same fund, without preference or priority, as the Bonds first issued for the same purposes.

(c) If Proceeds Are Greater Than Cost of Project or System. If the proceeds of the Bonds of any issue exceed the amount required for the purposes for which the Bonds are issued, the surplus shall be paid into the fund provided for the payment of principal of and interest on the Bonds.

(d) Paying Cost of One or More Projects or Systems. In the discretion of the Authority, Bonds of a single issue or series or installment of an issue may be issued for the purpose of paying the Costs of any one or more Projects or Systems or carrying out any one or more purposes of the Authority.

**Section 20. Bond Anticipation Notes and Notes.** The Authority shall have the power and is authorized to issue, from time to time, its Bond Anticipation Notes in anticipation of the issuance of Bonds and to renew or refund from time to time any of its Bond Anticipation Notes by the issuance of new Bond Anticipation Notes, regardless of whether the Bond Anticipation Notes to be renewed or refunded shall have matured. The Authority may issue Bond Anticipation Notes only to provide funds which would otherwise be provided by the issuance of Bonds. Bond Anticipation Notes may be validated, authorized, secured, sold, executed and delivered in the same manner as Bonds and shall be issued in such principal amount as the Authority shall determine. There may be specially pledged to the payment of any Bond Anticipation Notes the proceeds to be derived from the issuance of the Bonds in anticipation of the issuance of which the Bond Anticipation Notes have been issued. The validation of Bonds shall not be a condition precedent to the issuance of Bond Anticipation Notes, and it shall not be required that Bond Anticipation Notes be judicially validated. Bond Anticipation Notes shall not be issued in an amount exceeding the par value of the Bonds in anticipation of which they are to be issued.

The Authority shall also have the power and is authorized to issue, from time to time, its Notes, which shall not be conditioned upon, and need not be related to, the anticipated issuance of Bonds, for the purpose of paying Costs as defined herein and to renew and refund from time to time any of its Notes by the issuance of new Notes, regardless of whether the Notes to be renewed or refunded shall have matured. Notes may be validated, authorized, secured, sold, executed and delivered in the same manner as Bonds and shall be issued in such principal amounts as the Authority shall determine. The validation of Bonds shall not be a condition precedent to the issuance of Notes, and it shall not be required that Notes be judicially validated.

Any resolution of the Authority authorizing Bond Anticipation Notes or Notes or any issue thereof may contain any provisions which the Authority is authorized to include in any resolution authorizing Bonds of the Authority or any issue thereof; and the Authority may include in any Bond Anticipation Notes or Notes any terms, covenants, or conditions which it is authorized to include in any Bonds.

**Section 21. General Provisions Applicable to Bonds, Bond Anticipation Notes and Notes.** (a) Method of Cancellation. Unless otherwise directed by the Authority, Bonds, Bond Anticipation Notes and Notes and interest coupons, if any, with respect thereto paid or otherwise retired shall forthwith be marked "canceled" and shall be delivered by the paying agent making payment thereof to the Authority, whereupon the evidence of indebtedness or the interest coupon shall be destroyed and a certificate of destruction shall be filed in the records of the Authority.

(b) Records. The Authority shall maintain records containing a full and correct description of each Bond, Bond Anticipation Note or Note issued, identifying it and showing its date, issue, amount, interest rate, payment dates, payments made, registration, cancellation, destruction, and every other relevant transaction.

(c) Paying Agent. The Authority may appoint one or more paying agents for each issue or series of Bonds, Bond Anticipation Notes and Notes. Every paying agent shall be an incorporated bank or trust company authorized by the laws of the United States or of the state in which it is located to engage in a banking or trust business. The Authority may make such provisions respecting paying agents as it deems necessary or useful and may enter into a contract with any paying agent containing such terms, including those regarding compensation and conditions in regard to the paying agent as the Authority deems necessary or useful.

(d) Negotiable Instruments. Notwithstanding any other law to the contrary, every Bond, Bond Anticipation Note or Note issued under this Act shall have all the rights and incidences of negotiable instruments, subject to provisions for registration.

(e) Immunity from Liability. The members of the Authority's Board of Directors, the representatives to the Election Committee and the individuals executing Bonds, Bond Anticipation Notes or Notes on behalf of the Authority shall not be personally liable thereon by reason of the issuance thereof.

(f) Not a Debt of State, etc. Neither the Bonds, Bond Anticipation Notes or Notes issued under this Act nor the instruments evidencing the obligations which constitute the security therefor shall constitute a debt of, a loan by, or a pledge of the faith and credit or the taxing power of the State of Alabama or of any political subdivision thereof. Rather, all Bonds, Bond Anticipation Notes and Notes shall be payable solely



from the Revenues, other available funds and assets of the Authority as provided in the resolutions, indentures or trust agreements, authorizing or securing the issuance and payment of the Bonds, Bond Anticipation Notes or Notes, as the case may be. The issuance of Bonds, Bond Anticipation Notes or Notes by the Authority shall not obligate the State of Alabama or any political subdivision thereof to levy or pledge any form of taxation whatever for the payment thereof. No holder of any Bond, Bond Anticipation Note or Note shall have the right to enforce the payment of such Bond, Bond Anticipation Note or Note against any property of the State of Alabama or of any political subdivision or public corporation thereof; nor shall such Bond, Bond Anticipation Note or Note constitute a charge, lien, or encumbrance, whether legal or equitable, upon any property of the State of Alabama or any political subdivision or public corporation thereof other than the Authority.

Section 22. Rights to Receivership Upon Default. (a) Receiver May Be Appointed If Authority Defaults. If the Authority defaults on the payment of the principal or interest on any of the Bonds, Bond Anticipation Notes or Notes after the same shall become due, whether at maturity or upon call for redemption, and the default continues for a period of thirty (30) days, or if the Authority or its officers, agents, or employees fail or refuse to comply with the essential provisions of this Act or default in any material respect on any agreement made with the holders of the Bonds, Bond Anticipation Notes or Notes, any holders of the Bonds, Bond Anticipation Notes or Notes or a trustee therefor shall have the right to apply in an appropriate judicial proceeding to the Circuit Court of Montgomery County for the appointment of a receiver of the properties, Projects or Systems of the Authority, regardless of whether all Bonds, Bond Anticipation Notes or Notes have been declared due and payable, and regardless of whether the holders thereof or the trustee therefor is seeking or has sought to enforce any other right or exercise any remedy in connection with the Authority's Bonds, Bond Anticipation Notes or Notes. Upon application, the court, if it deems such action necessary for the protection of the holders of Bonds, Bond Anticipation Notes or Notes, may appoint a receiver for the properties, Projects or Systems of the Authority, provided that such appointment shall be mandatory if the application is made by the holders of at least twenty-five (25) percent in principal amount of Bonds, Bond Anticipation Notes or Notes then outstanding, or by any trustee for holders of Bonds, Bond Anticipation Notes or Notes aggregating at least said principal amount.

(b) Duties of the Receiver. A receiver appointed pursuant to subsection (a) of this Section shall forthwith, directly or by his agents and attorneys, enter into and upon and take possession of the properties,

Projects or Systems or of such portion thereof or interest therein as is owned by the Authority. If the court so directs, the receiver may wholly exclude from such properties, Projects or Systems of the Authority, its officers, agents, and employees, and all Persons claiming under them. Upon taking possession of said properties, Projects or Systems, the receiver shall have, hold, use, operate, manage, and control the same and each and every part thereof and, in the name of the Authority or otherwise, as the receiver may deem best, shall exercise all of the rights and powers of the Authority with respect thereto as the Authority itself might do. The receiver shall maintain, restore, insure, and keep insured the properties, Projects or the Systems or the portion or interest therein as is owned by the Authority; from time to time shall make all necessary or proper repairs thereto as the receiver may deem expedient; shall establish and maintain rates and collect rates, fees, and charges in connection with the properties, Projects or Systems as the receiver may deem necessary or proper and reasonable; and shall collect and receive all Revenues derived therefrom, shall deposit the same in a separate account, and shall apply the Revenues so collected and received in a manner as the court shall direct, provided that the duties of the receiver as described in this subsection shall be performed in a manner consistent with any and all existing contractual arrangements to which the Authority may be a party; and the powers of the receiver shall be no greater than the powers of the Authority.

(c) When Authority Is No Longer In Default. Whenever all amounts due upon the Bonds, Bond Anticipation Notes or Notes and interest thereon have been cured and made good; and whenever a similar cure and making good has been effected in regard to any other Bonds, Bond Anticipation Notes or Notes, and interest thereon, which constitute a charge, lien, or encumbrance on the Revenues of the properties, Projects or Systems under any of the terms of any covenants or agreements with holders of Bonds, Bond Anticipation Notes or Notes; then, if it appears to the court that no default is imminent, the court shall direct the receiver to surrender possession of the properties, Projects or Systems to the Authority, provided that the same right of the holders of the Bonds, Bond Anticipation Notes or Notes to secure the appointment of a receiver as is provided in subsection (a) of this Section shall exist upon any subsequent default.

(d) Receiver Acts Under Direction of the Court. A receiver shall, in the performance of the powers conferred upon him by this Section, act under the direction and supervision of the court making the appointment, shall at all times be subject to the orders and decrees of the court, and may be removed thereby. Nothing contained in this Section shall limit or restrict the jurisdiction of the court to enter other and

further orders and decrees as the court may deem necessary or appropriate for the exercise by the receiver of any functions specifically set forth in this Section.

**Section 23. Revenues of the Authority. (a) Authority Authorized to Collect Rates, Fees and Charges.** For the purpose of securing sufficient Revenues to make possible (i) the financing with Bonds, Bond Anticipation Notes or Notes of any of the Authority's Projects, Systems or purposes and (ii) the accomplishment of any of the its purposes, the Authority is authorized to fix and collect such rates, fees and charges as may be necessary for those purposes. The rates, fees and charges to be paid for the services or Gas of the Authority or its Projects or Systems shall be so fixed and adjusted from time to time as to provide a fund which, together with other revenues, if any, of the Projects or Systems or of the Authority, will provide Revenues sufficient:

(1) To pay:

(A) The costs of providing, operating, maintaining, repairing, and disposing of the Projects and Systems, including reserves for insurance and extraordinary repairs, reserves required by the resolution, or other reasonable reserves established by any resolution, indenture or trust agreement of the Authority pertaining to the Bonds, Bond Anticipation Notes or Notes and the issuance thereof, unless these costs shall be otherwise provided for;

(B) The cost of operating and conducting the business and accomplishing the purposes of the Authority, including salaries; fees for professional services, including legal, engineering, and others; and all expenses properly relating to the conduct of the affairs of the Authority;

(C) The costs of Gas, whether produced by the Authority or acquired from others; and

(D) All other costs associated with the provision, operation and maintenance of the Authority and its Projects, Systems and facilities;

(2) To pay the principal of and interest on the Bonds, Bond Anticipation Notes or Notes as the same shall become due, including all premiums, if any, the proceeds of which shall have been or will be used to pay Costs;

(3) To comply with any sinking fund requirements contained in the resolution, indenture or trust agreement pertaining to the issuance of and security for the Bonds, Bond Anticipation Notes or Notes;

(4) To perform fully all provisions of any resolution, indenture or trust agreement relating to the issuance of or security for any Bonds, Bond Anticipation Notes or Notes to the payment of which Revenues are pledged;

(5) To accumulate any excess income which may be required by the purchasers of the Bonds, Bond Anticipation Notes or Notes or may be dictated by the requirements of the resolution, indenture or trust agreement or by the requirements of achieving ready marketability of and low interest rates on the Bonds, Bond Anticipation Notes or Notes; and

(6) To pay expenses in connection with any of the Bonds, Bond Anticipation Notes or Notes or any of the Projects or Systems, including, but not limited to, trustee's and fiscal agent's fees.

(b) Provision In Contracts Authorizing Payments of Rates, Fees and Charges. The rates, fees and charges authorized by subsection (a) of this Section shall be payable at any intervals as may be agreed upon and set forth in any contract providing therefor entered into pursuant to the authorization therefor contained in this Act. Any such contract may provide for the commencement of payments, not necessarily based directly on rates, to the Authority prior to the completion of the undertaking by the Authority of any Project or System and may require payments for the establishment of reserves for rate stabilization purposes; may provide for the making of payments during the times as the Projects or Systems may be partially or wholly not in use, whether or not any Project or System has been completed, is then operable, or is operating; and may provide that payments shall not be subject to any reduction, by offset or otherwise, and shall not be conditioned upon the performance or nonperformance by any party of any agreement.

(c) Contract May Obligate Municipal or Public Corporation to Indemnify Authority. Any such contract may also obligate the Municipal Corporation that is a party thereto to indemnify and save harmless the Authority from any and all damage to Persons and property occurring on or by reason of the existence of a Project or System, and may also obligate such Municipal Corporation to undertake, at its own expense, the defense of any action brought against the Authority by reason of injury or damages to Persons or property occurring on or by reason of a Project or System.

(d) Authority May Enforce Performance of Covenants. In the event of any failure or refusal on the part of a Municipal Corporation to perform punctually any covenant or obligation contained in any contract

with the Authority, the Authority may enforce the performance thereof by any legal or equitable process, including specific performance.

(e) Payments Due to Authority May Be Assigned to a Trustee or Paying Agent. Any payments due or to become due to the Authority, pursuant to any contract the Authority may have with a Municipal Corporation entered into pursuant to Section 13 hereof, may be assigned by the Authority to a trustee or paying agent as may be required by the terms of the resolution, indenture or trust agreement relating to the issuance of and security for the Bonds, Bond Anticipation Notes or Notes.

(f) Use of Revenues Subject to Provisions of the Resolution, Indenture or Trust Agreement. The use and disposition of the Authority's Revenues shall be subject to the provisions of the resolution authorizing the issuance of the Bonds, Bond Anticipation Notes or Notes or of the indenture or trust agreement, if any, securing the same.

Section 24. Trust Funds. All funds received by the Authority pursuant to the provisions of this Act, whether as proceeds from the sale of Bonds, Bond Anticipation Notes or Notes, or as Revenues, rates, fees, charges, or other earnings, or as gifts, grants, or other contributions, shall be deemed to be trust funds to be held and applied solely as provided in this Act.

Section 25. Audit. The Authority, together with all funds established in connection with its debt, shall be audited no less frequently than annually by an independent certified public accountant to be selected by the Board of Directors. Copies of the audit shall be available upon request to interested parties, including, but without limitation, the holders of the Authority's Bonds, Bond Anticipation Notes or Notes and any Municipal Corporation contracting with the Authority.

Section 26. Jurisdiction. Any action to protect or enforce any rights granted to any party under this Act brought in the courts of this state shall be brought in the Circuit Court of Montgomery County, Alabama, which shall have exclusive original jurisdiction of all actions referred to in this section. Any action pertaining to validation of the Bonds, Bond Anticipation Notes or Notes issued under this Act and pertaining to validation of the contracts constituting security for such obligations shall also be brought in the Circuit Court of Montgomery County, Alabama.

Section 27. Alabama Public Service Commission. The setting of rates, fees, charges, services and practices related to the manufacture,

development, distribution, Storage, Production, Transmission, and sale by the Authority of Gas as authorized by this Act shall not be subject to regulation under the provisions of Title 37 of the Code of Alabama 1975, as amended, nor shall the Authority be subject to any regulation or supervision by the Alabama Public Service Commission; provided, however, that nothing herein shall exempt the Authority from the application of the provisions of Sections 37-4-80 through Section 37-4-88 of Title 37 of the Code of Alabama 1975, as amended, relating to the regulatory jurisdiction of the Alabama Public Service Commission over the safety of pipeline systems and compliance with federal minimum safety standards.

Section 28. Exemption from Alabama Sunset Law. The Authority shall not be governed by the provisions of Chapter 20 of Title 41 of the Code of Alabama 1975, as amended (originally enacted as Act No. 512 of the 1976 Regular Session of the Legislature of Alabama).

Section 29. Exemption from Competitive Bid Laws. No contract made by or on behalf of the Authority, and no contract made by a Municipal Corporation pursuant to Section 13 hereof, shall be governed by the provisions of Title 41, Chapter 16, Code of Alabama 1975, as amended.

Section 30. Exemption from Usury Laws. Any Bonds, Bond Anticipation Notes or Notes issued by the Authority shall be exempt from all laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 8 of Title 8 of the Code of Alabama 1975, as amended, or any subsequent statute of similar import.

Section 31. Effectiveness of Pledges and Security Interests. Any pledge or security interest created or granted by the Authority shall be valid and binding from the time when the same is made; moneys or property which are the subject of such pledge or security interest and then held or thereafter received by the Authority shall immediately be subject to such pledge or security interest so created or granted by the Authority without any physical delivery thereof or further act; and such pledge or security interest shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether or not such parties have notice thereof. Neither the bond resolution, indenture or trust agreement nor any other instrument relating to Bonds, Bond Anticipation Notes or Notes or otherwise creating or granting any such pledge or security interest need be filed or recorded in any office other than with the records of the Authority.

Section 32. Dissolution of Authority. When all Bonds, Bond Anticipation Notes and Notes issued by the Authority under the provisions of this Act shall have been paid in full or otherwise satisfied, or when its obligations cease under every contract described in this Act, whichever is later, the then chairman of the Authority may, upon authorization of two-thirds of the membership of the Board of Directors then in office, thereupon execute and deliver in the name of and in behalf of the Authority an appropriate deed, or deeds, or other appropriate instruments of conveyance, to which the seal of the Authority shall be affixed and attested by the secretary-treasurer of the Authority, whereby there shall be conveyed to the Municipal Corporations at that time represented on the Election Committee, in the proportion that each such entity's then existing voting power on the Election Committee shall bear to the total then existing voting power of all such entities represented on the Election Committee, all the Projects, buildings, properties, Systems and other assets then owned by the Authority. The then members of the Board of Directors shall at that time file with the Secretary of State of the State of Alabama a written statement, subscribed and sworn to by each of them, reciting the payment in full of all Bonds, Bond Anticipation Notes and Notes theretofore issued by the Authority and the satisfaction of all of its obligations under every contract described in this Act and the execution and delivery of any deed, deeds or other instruments of conveyance to the above-described Municipal Corporations, which statement shall be filed by the Secretary of State and recorded with the certificate of incorporation of the Authority, whereupon the Authority shall stand dissolved. There shall be no fees paid to the Secretary of State for any work done in connection with the dissolution of the Authority.

Section 33. Conflicting Laws. All laws and parts of laws in conflict with any of the provisions of this Act are hereby expressly repealed or modified to the extent necessary to carry out the provisions of this Act.

Section 34. Powers Declared Supplementary. The provisions of this Act shall be regarded as supplementary and additional to and cumulative of powers conferred by other laws and shall not be regarded as being in derogation of any powers conferred by any other law.

Section 35. Construction. This Act, being for the welfare of the State of Alabama and its inhabitants, shall be liberally construed to effect the purposes hereof.

Section 36. Severability. In the event any portion of this Act should be declared invalid by any court of competent jurisdiction, such

invalidity shall not affect the validity of any remaining portions of this Act, which shall continue effective.

Section 37. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Which was adopted.

Yeas 13 Nays 1

Yeas:

Senators:

Bailey, Bennett, Bolling, Ellis, Foshee, Ghee, Hale, Lindsey, Lipscomb, Little, Mitchell, Parsons, and Preuit -13

Nay: Senator Windom

- 1

The President and Presiding Officer of the Senate declared a quorum present but not voting.

Senator Parsons offered the following amendment to the Bill, SB 359, as amended by the substitute, to-wit:

#### AMENDMENT TO SB 359, AS AMENDED

On page 27, line 25, after the language "holders thereof." amend by inserting the following:

Bonds of the authority may be sold at such price or prices and at such time or times as the board of directors of the authority may consider advantageous, only at public sale. Bonds must be sold by competitive bid on sealed bids or at public auction, to the bidder whose bid reflects the lowest effective borrowing cost to the authority for the bonds being sold; provided, that if no bid acceptable to the authority is received, it may reject all bids. Notice of each such sale by competitive bids shall be given by publication in either a financial journal or a financial newspaper published in the city of New York, New York, and also by publication in a newspaper published in the state of Alabama, each of which notices must be published at least one time not less than 10 days before the date for the sale. The board of directors may fix the terms and conditions under which such sale by competitive bids may be held; provided that such terms and conditions shall not conflict with any of the requirements of this chapter. The authority may pay out of the proceeds of the sale of its bonds all expenses, including capitalized interest during a period not to exceed one year from the date of issuance of such bonds,



publication and printing charges, attorneys' fees and other expenses which said board of directors may deem necessary and advantageous in connection with the authorization, advertisement, sale, execution and issuance of such bonds. Neither a public hearing nor consent of the state department of finance or any other department or agency of the state shall be a prerequisite to the issuance or sale of bonds by the authority.

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Foshee, Ghee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Mitchell, Parsons, Preuit, Smith (J), Waggoner, and Windom  
-24

Nays:

- 0

On motion of Senator Windom, the Rules were suspended and further consideration of the Bill, SB 359, as amended by the substitute, as amended, was postponed subject to the call of the Chair.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 664.** To amend Sections 8-6-10, 8-6-11 and 8-7-6, Code of Alabama 1975, relating to the Alabama Securities Commission, so as to provide further for funding for said commission by increasing certain commission application and investigative fees as well as earmarking certain other existing securities commission application and license fees for use by the commission; and to provide for an appropriation to the Alabama Securities Commission from monies deposited in the Alabama Securities Commission Fund.

GREG PAPPAS,  
Clerk.

### SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the

Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 120.** To amend Sections 40-1-33, 40-12-390, 40-12-391, 40-12-392, 40-12-394, 40-12-396, 40-12-398 and 40-12-414, Code of Alabama 1975, relating to automotive vehicle dealers, so as to exclude certain license information from general confidentiality provisions, provide further for revocation and denial of licenses, define certain terms, provide further for requiring certain business licenses, increase the surety bonds, increase the penalty for noncompliance, authorize the revenue department to promulgate rules and regulations and to repeal Section 40-12-52, Code of Alabama 1975, which requires a privilege license for automobile salesmen.

GREG PAPPAS,  
Clerk.

### SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 736.** To amend further Code of Alabama 1975, Section 32-5-313, relating to penalties for traffic infractions to provide funding for the driver education and training fund the Alabama college system truck driver training consortium fund, the catastrophic trust fund for special education, the Alabama traffic safety center fund and the state safety coordinating committee, so as to increase the penalty and to provide further for the distribution of funds.

GREG PAPPAS,  
Clerk.

### SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### BUDGET ISOLATION RESOLUTION

Senator Foshee requested and received permission to suspend the Rules in order to bring up the Bill, HB 55.

Senator Foshee, B.I.R., HB 55, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, deGraffenried, Dixon, Ellis, Foshee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Mitchell, Parsons, Preuit, Smith (J), Waggoner, Wilson, and Windom -21

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**H. 55.** To exempt certain rescue service organizations operating within the State of Alabama from all state, county and municipal sales and use taxes.

was read a third time at length and passed.

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26th Day

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Ellis, Foshee, Ghee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Mitchell, Parsons, Preuitt, and Waggoner -20

Nays:

- 0

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills and finds same correctly engrossed, to-wit:

**S. 409.** To create a State of Alabama Rapid Rail Transit Commission; and to provide for its membership and duties.

Also:

**S. 559.** To amend Sections 24-6-3 and 24-6-4, Code of Alabama 1975, relating to the Alabama Manufactured Housing Commission, so as to further provide for the duties and remuneration of the commission; and to provide that no commissioner shall be liable for damages resulting from any act performed in carrying out his duties as a commissioner.

**JIM PREUITT,**  
Chairperson.

**BUDGET ISOLATION RESOLUTION**

Senator Smith (J), B.I.R., SB 382, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Denton, Dixon, Ellis, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Parsons, Smith (J), Waggoner, and Windom -19

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 382.** To appropriate from the general fund of the state treasury the sum of \$1,000,000.00 for the fiscal year ending September 30, 1991, to the Department of Agriculture and Industries Agricultural Development Services Program, which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication; to provide that such appropriation shall be supplemental.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Ellis, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Parsons, Preuitt, Smith (J), Waggoner, and Windom -21

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Mitchell, B.I.R., SB 687, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Parsons, Waggoner, and Windom -18

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 687.** To provide that any elected county official participating in the Employees' Retirement System as a member thereof may, prior to January 1, 1992, elect to cease membership in said system; and to

provide that in the event of the making of such election, such official's right to receive benefits otherwise under said system shall not be affected.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Denton, Dixon, Ellis, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuit, Waggoner, and Windom -22

Nays:

- 0

### MOTION TO ADJOURN LOST

At 11:05 P.M., Senator Denton moved that the Senate adjourn until Tuesday, July 16, 1991, at 1 o'clock P.M., which motion was lost.

Yeas 7 Nays 20

Yeas:

Senators:

Amari, Campbell, Corbett, Denton, Hilliard, Lindsey, and Parsons - 7

Nays:

Senators:

Bailey, Barron, Bedsole, Bennett, deGraffenried, Dixon, Ellis, Foshee, Hale, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Preuit, Smith (J), Waggoner, Wilson, and Windom -20

### BUDGET ISOLATION RESOLUTION

Senator Hale, B.I.R., HB 367, adopted.

Yeas 22 Nays 1

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, deGraffenried, Dixon, Ellis, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuit, Waggoner, and Windom -22

Nay: Senator Parsons

- 1

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 367.** To authorize the State Industrial Development Authority to sell and issue, from time to time, up to \$100,000,000 in principal amount of its bonds in addition to those heretofore authorized to be issued by it, provided not more than \$10,000,000 in aggregate amount shall be issued in any two-year period and not more than \$40,000,000 in aggregate principal amount shall be outstanding at any one time; to expand certain powers and duties of the Authority, including the power to make grants from the proceeds of the said additional bonds to certain grantees, subject to certain limitations, for the purpose of paying costs of preparation of sites for use by certain enterprises; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

was taken up.

Senator Hale offered the following substitute for the Bill, HB 367, to-wit:

**SUBSTITUTE FOR HB 367**

**A B I L L  
T O B E E N T I T L E D  
A N A C T**

To authorize the State Industrial Development Authority to sell and

issue from time to time its bonds not exceeding \$100,000,000 in principal amount in addition to those heretofore authorized to be issued by it, provided not more than \$10,000,000 in aggregate amount shall be issued in any two-year period and not more than \$40,000,000 in aggregate principal amount of such bonds, in addition to bonds heretofore issued by the Authority, shall be outstanding at any one time (excluding refunding bonds); to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities and local industrial development boards, economic development councils, airport authorities or port authorities, subject to certain limitations, for the purposes of paying costs of preparation of sites for use by certain enterprises and making certain local surveys incidental to industrial development; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2, 40-25-23 and 40-25-41, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Definitions. The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

"Authority" means the public corporation organized pursuant to the the provisions of Sections 41-10-20 through 41-10-32, Code of Alabama 1975.



"Board of Directors" means the board of directors of the Authority.

"Bonds" means the bonds issued under the provisions of this Act.

"Enterprise" means any industry, enterprise or business (whether or not for profit) engaged in activities deemed appropriate by the Authority, including without limitation those described in Division D (Major Groups 20 through 39) and Division F (Major Group 50) of the Standard Industrial Classification Manual (1987 Edition).

"Grantee" means a county, municipality, local industrial development board or economic development council or authority, airport authority or port authority organized as a public corporation in this state and authorized to undertake projects for enterprise, to which a grant of money is made as provided in Section 3 hereof.

"Nominal transferee" as used in Section 3 hereof means any person to whom a grantee transfers one or more sites for enterprise or any part of any thereof for less than fair market value and any person who derives title to such sites for enterprise or any part of any thereof through such a transferee.

"Person" unless limited to a natural person by the context in which it is used includes a private firm, a private association, a public or private corporation, a municipality, a county, or an agency, department of instrumentality of the state or of a county or municipality.

"Preparation of sites for enterprise" means the grading of sites for enterprise and the means of access thereto, and the draining thereof to prevent the accumulation of excess natural waters thereon, and other work relative to site preparation deemed necessary or appropriate.

"Sites for enterprise" means land owned by a grantee or potential grantee on which industrial facilities have been or will be constructed for sale or lease to an individual, private association or private corporation (whether or not for profit) for use as an enterprise.

"State" means the State of Alabama.

"Herein," "hereby," "hereunder," "hereof," and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any such words are used.

The definitions set forth above shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein, any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

**Section 2. Authorization to Issue Additional Bonds; Exemption from Usury Laws.** In addition to all powers heretofore conferred on it by Acts heretofore enacted by the Legislature of Alabama, and in addition to all other powers conferred on it in this Act, the Authority is hereby authorized to sell and issue its bonds, not exceeding one hundred million dollars (\$100,000,000) in aggregate principal amount, for the purposes of making the grants of money authorized in Section 3 hereof and to anticipate by the issuance of its bonds the receipt of the revenues herein appropriated and pledged; provided the Authority shall not issue more than ten million dollars (\$10,000,000) in aggregate principal amount of such bonds in any two-year period; and provided there shall not be more than forty million dollars (\$40,000,000) in aggregate principal amount of such bonds, in addition to bonds heretofore issued by the Authority, outstanding at any one time, but excluding for this purpose refunding bonds, which shall not be considered in determining such limit. The bonds authorized hereby may be sold in one or more series.

It is further provided that the Authority shall be exempt from the laws of the state governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 8 of Title 8 of the Code of Alabama 1975.

**Section 3. Authorization to Make Grants of Money.** The Authority is hereby authorized to make grants of money derived from the sale of its bonds, to grantees for use by the grantees for any one or more of the following purposes: (1) the making of surveys to determine the location of suitable sites for enterprise in the locality of the grantee; (2) the making of surveys to determine the availability of labor in the locality of the grantee and to classify such labor in terms of skills and educational level; (3) the preparation of sites for enterprise; or (4) any combination of any of the foregoing which the grantees consider appropriate and necessary for the promotion of industrial development in their respective localities.

Every grant of money made by the Authority, any part of which is made from the proceeds of the Authority's bonds, shall be made subject to the following terms and conditions, which are hereby declared to be legally enforceable, and may be enforced by the Authority, in any court of competent jurisdiction:

(a) No such grant shall be in an amount greater than the total of the following stated per centums of the costs that it is anticipated will be expended for the acquisition of land and the construction and equipment of the facilities that will occupy the site for enterprise with respect to which the grant is made, as such anticipated costs shall be certified to the Authority by a registered architect or a registered engineer or by the chief executive officer of the body to which the grant is made: Six per centum (6%) of the anticipated cost for the acquisition of land and the construction and equipment of facilities that will occupy said site when such costs are \$100,000 or less; five per centum (5%) of the anticipated cost when such anticipated cost exceeds \$100,000 but does not exceed \$200,000, but in no event shall the grant be less than \$6,000; four per centum (4%) of the anticipated cost when such anticipated cost exceeds \$200,000 but does not exceed \$400,000, but in no event shall the grant be less than \$10,000; three per centum (3%) of the anticipated cost when such anticipated cost exceeds \$400,000 but does not exceed \$800,000, but in no event shall the grant be less than \$16,000; two per centum (2%) of the anticipated cost when such anticipated cost exceeds \$800,000 but does not exceed \$1,600,000, but in no event shall the grant be less than \$24,000; one per centum (1%) of the anticipated cost when such anticipated cost exceeds \$1,600,000 but does not exceed \$10,000,000, but in no event shall the grant be less than \$32,000; three quarters of one per centum ( $3/4\%$ ) of the anticipated cost when such anticipated cost exceeds \$10,000,000, but in no event shall the grant be less than \$100,000; provided, however, that the total of any grant so made shall not exceed \$150,000;

(b) No such grant or grants shall be made for any part of the anticipated costs of the preparation of a site for enterprise, and if made, shall not be used, in any case where any individual, private association or private corporation has received or is to receive an option to purchase the site for enterprise with respect to which the grant is made (as distinguished from improvements to be constructed on such site which are not to become a part of the site on which such improvements are to be constructed), or any part of any thereof, from the grantee or any nominal transferee of the grantee for less than the fair market value of such site;

(c) The Authority shall have power to audit the disbursements by the grantees from such grant or grants; and

(d) The Authority may specify any appropriate terms and conditions to facilitate the enforcement of the foregoing provisions of this paragraph.

Section 4. Details Respecting the Bonds. The Bonds of the Authority shall be signed by its president and attested by its secretary and the seal of the Authority shall be affixed thereto or a facsimile of such seal shall be printed or otherwise reproduced thereon; provided, that (a) a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such Bonds in lieu of being manually subscribed thereon and (b) a facsimile of the signatures of both of the said officers may be printed or otherwise reproduced on such Bonds in lieu of being manually affixed thereof if the Authority, in its proceedings with respect to issuance of the Bonds, provides for manual authentication of such Bonds and the secretary designates a trustee or paying agent or named individuals who are employees of the state and who are assigned to the finance department or the state treasurer's office of the state to authenticate the Bonds. Any Bonds of the Authority may be executed and delivered by it any time and from time to time and shall be in such form or forms and such denomination or denominations and of such tenor and maturity or maturities, shall bear such rate or rates of interest, which may be variable rates, shall be payable at such times and evidenced in such manner, and may contain such other provisions not inconsistent herewith, all as may be provided by the resolution of the board of directors of the Authority under which such Bonds are authorized to be issued; provided, that no bond of the Authority shall have a specified maturity date later than twenty years after its date. Any bond of the Authority may be made subject to redemption at the option of the Authority at such times and after such notice and on such conditions and at such redemption price or prices as may be provided in the resolution under which it is authorized to be issued; provided, that those Bonds of Authority having specified maturity dates more than ten years after their date shall be made subject to redemption at the option of the Authority not later than the end of the tenth year after their date, and on any interest payment date thereafter, under such terms and conditions and at such redemption price or prices as may be provided in the resolution under which such Bonds are authorized to be issued. Bonds of the Authority may be sold at such price or prices and at such time or times as the board of directors of the Authority may consider advantageous, either at public or private sale and by negotiation or by competitive bid. Bonds of the Authority sold by competitive bid must be sold, whether on sealed bids or at public auction, to the bidder whose bid reflects the lowest true interest cost to the Authority for the Bonds being sold, computed from their date to their respective maturities; provided, that if no bid acceptable to the Authority is received, it may reject all bids. The Authority may fix the terms and conditions under which each sale of Bonds may be held; provided, that such terms and conditions shall not conflict with any of the requirements of this Act. Subject to the

provisions and limitations contained in this Act, the Authority may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured Bonds of the Authority then outstanding. Such refunding Bonds shall be subrogated and entitled to all priorities, rights and pledges to which the Bonds refunded thereby were entitled. The Authority may pay out of the proceeds of the sale of its Bonds attorneys' fees and the expenses of issuance which the board of directors may deem necessary and advantageous in connection with the issuance of such Bonds. Bonds issued by the Authority shall not be general obligations of the Authority but shall be payable solely out of the funds appropriated and pledged thereof in Section 6 hereof. As security for the payment of the principal of and interest on the Bonds issued by it, the Authority is hereby authorized and empowered to pledge for payment of such principal and interest the funds that are appropriated and pledged in Section 6 hereof for payment of such principal and interest. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions containing such pledges; provided, that each pledge for the benefit of refunding bonds shall have the same priority as the pledge for the benefit of the bonds refunded thereby. All contracts made and all Bonds issued by the Authority pursuant to the provisions of this Act shall be solely and exclusively obligations of the Authority and shall not constitute or create an obligation or debt of the State of Alabama. All Bonds issued by the Authority and the income therefrom shall be exempt from all taxation in the state. Any Bonds issued by the Authority may be used by the holder thereof as security for any funds belonging to the state, or to any political subdivision, instrumentality of agency of the state, in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in Bonds of the Authority. Neither a public hearing nor consent of the department of finance of the state or any other department or agency shall be a prerequisite to the issuance of the Bonds by the Authority. The Bonds issued under the provisions of this Act shall be legal investments for funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund.

Section 5. Deposit and Investment of and Disbursements from Bond Proceeds. The proceeds of all Bonds, other than refunding bonds, issued by the Authority remaining after paying expenses of their issuance, shall be deposited in the state treasury and shall be carried in the state treasury in a special or separate account or accounts. Such

funds shall be subject to be drawn upon by the Authority, but any funds so withdrawn shall be used solely for the purposes for which the Bonds were issued as authorized in this Act.

The state treasurer, with the approval of the secretary of the Authority, shall invest funds not needed by the Authority within the ensuing thirty days for any purpose for which they are held, which investments shall be made in the manner authorized and provided for in Act No. 66 adopted at the 1945 Regular Session of the Legislature of Alabama. The state treasurer and the Authority may apply so much as may be necessary from the earnings on said investments toward satisfaction of the arbitrage rebate requirements under the Internal Revenue Code of 1986, as amended.

The proceeds from the sale of any refunding bonds issued hereunder remaining after paying the expenses of their issuance shall be used only for the purpose of refunding the principal of outstanding Bonds of the Authority and of paying any premium that may be necessary to be paid in order to redeem or retire the Bonds to be refunded.

Section 6. Revenues of the Authority. For the purpose of providing funds to enable the Authority to pay at their respective maturities the principal of and interest on any Bonds issued by it under the provisions of this Act and to accomplish the objects of this Act, there are hereby irrevocably pledged to such purpose and there are hereby appropriated so much as may be necessary for such purpose of: (a) the residue of the receipts from the tax levied by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, after there shall have been taken therefrom the amount necessary for the purposes specified in Section 40-25-23(1)b 1, Code of Alabama 1975, as in existence prior to the effective date hereof; and (b) any other revenues or receipts dedicated to the payment of bonds of the Authority, issued by it under the provisions of this act or any subsequent authorizing legislation. All moneys hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of and the interest on the Bonds herein authorized.

Section 7. Disbursements of Funds. Out of the revenues appropriated and pledged in Section 6 hereof, the state treasurer is hereby authorized and directed to pay the principal of and interest on the Bonds issued by the Authority under the provisions of this Act, as the said principal and interest shall respectively mature, and the state treasurer is further authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 8. Severability. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 477.** To further amend Section 14-2-12 of the Code of Alabama 1975, so as to authorize Alabama Corrections Institution Finance Authority to issue an additional \$25,000,000 aggregate principal amount of Bonds.

JIM PREUITT,  
Chairperson.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 294.** To amend Sections 13A-9-13.1, 13A-9-13.2, 8-8-15 and 12-17-224, Code of Alabama 1975, which relate to restitution for the negotiation of a worthless check or other negotiable instrument; so as to increase the service charge on such worthless checks or instruments.

GREG PAPPAS,  
Clerk.

### SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate,

signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

#### **STATEMENT BY THE PRESIDENT AND PRESIDING OFFICER**

The President and Presiding Officer of the Senate stated that the Standing Committee on Energy and Natural Resources would meet immediately in the Secretary of the Senate's office.

#### **NOTICE IN WRITING**

Senator Ellis offered the following Notice in Writing, to-wit:

#### **NOTICE IN WRITING**

Notice is hereby given that on the next legislative day a motion will be made to amend the Senate Rules as follows:

Amend the Senate Rules by striking the present Senate Rule 48 (b).

Which was read and filed with the Secretary.

#### **NOTICE IN WRITING**

Senator Parsons offered the following Notice in Writing, to-wit:

#### **NOTICE IN WRITING**

Propose to delete Rule 48 (b) and replace it with the following Rule.

Each Chairman and Vice Chairman shall be appointed on Tuesday of each week and may serve for a period of one week during each regular and special session.

Which was read and filed with the Secretary.

#### **FURTHER CONSIDERATION OF HB 367**

The Senate proceeded to further consideration of the Bill, HB 367. The question was on the Hale substitute.



**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

**H. 330.** To authorize the establishment of watershed management authorities; to express legislative intent; to define relevant terms; to specify the purposes of said authorities; to define the land which may be included in an authority; to provide for the development of certain management guidelines; to provide the method for creating an authority; to provide for a hearing prior to creation; to create a board of directors to govern the authority and provide for the method of appointing or electing said board and their successors; to provide for the terms of office of board of directors members and the method of filling vacancies; to provide procedures for the operation of the board of directors; to provide for the reimbursement of expenses incurred by board members; to provide for the powers and duties of the board of directors; to authorize the issuance of bonds; to provide for the discontinuance of an authority and the assumption of assets; to provide for annual audits; to provide officers and employees of the authority shall be subject to the state code of ethics; to authorize full-time employees of the authority to join the employees' retirement system and receive health insurance and other benefits; to provide an authority shall be subject to competitive bid laws and to exempt an authority from certain taxes.

GREG PAPPAS,  
Clerk.

**REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bill and Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 70	SJR 122	SJR 126
SJR 117	SJR 123	SJR 129
SJR 119	SJR 124	SJR 130
SJR 120	SJR 125	

Delivered to the Governor, July 11, 1991, at 11:05 A.M.

SB 321

Delivered to the Governor, July 11, 1991, at 6:47 P.M.

McDOWELL LEE,  
Secretary of Senate.

### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

### ADJOURNMENT

The hour of Midnight having arrived, in accordance with Motion heretofore adopted, and pending further consideration of the Bill, HB 367, the Senate adjourned until Tuesday, July 16, 1991, at 1 o'clock P.M.